Report

of the

Newfoundland

Corrections Study Committee

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INTRODUCTION

The Newfoundland Corrections Study Committee was established in October 1972 by agreement between the Minister of Justice of the Government of Newfoundland, the Honourable A. Alex. Hickman, Q.C. and the Solicitor General of Canada, the Honourable Jean-Pierre Goyer, P.C.

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Final Draft

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REPORT OF THE NEWFOUNDLAND CORRECTIONS COMMITTEE

SUMMARY OF RECOMMENDATIONS

Administrative Organization of Correctional Services

1. All juvenile and adult correctional services in Newfoundland should be placed under one administrative authority — a Division of Correctional Services, within the Department of Justice. (P. 19)
2. The Department of Justice should immediately seek and appoint a Director of Correctional Services, who would have decision making authority and responsibility equal to that of an Assistant Deputy Minister and he should be the head of a Division of Correctional Services. (p. 20)
3. The Director of Correctional Services should have academic qualifications and training in the social sciences and should have a varied correctional experience. (p. 20)
4. Juvenile probation services and juvenile training schools should be brought under the authority of the Director of Correctional Services within the Department of Justice. (p. 20)
5. Within the Division of Correctional Services an Administrator of Institutions should be appointed to be responsible for all lock-ups and whatever custodial facilities, long and short term, are required by the Province. (p. 21)
6. An inter-departmental co-ordinating body should be set up immediately, under the Chairmanship of the Director of Correctional Services, in order to assure greater co-ordination of planning for facilities, programs and services to individuals, who at any one time may have to utilize the services of a variety of government departments. (p. 21)
7. The Committee also recommends that the Division of Correctional Services develop a Community Board, similar to a Board of a Public Hospital, to advise the Director. (p. 21)

Organizational Priorities

8. As soon as a Director is appointed and a Division of Correctional Services set up, the first priority should be to develop an adult probation service, as a major alternative to imprisonment. (p. 21)
9. The Director of Correctional Services should also initiate an immediate examination of methods of classifying children committed to the care of the Director of Child Welfare as delinquents to identify children who can best be supervised in small community residences or group homes. He should examine the programs and staffing for community houses as well as appropriate programing and staffing for children requiring different levels of institutional control in training schools. (p. 21)
10. Adult and Juvenile Probation Services, are not sufficient in themselves as community alternatives to training schools and prisons. The exploration of potential community alternatives should take place as a major effort on the part of the Division of Correctional Services. On the basis of determined priorities, demonstration projects should be attempted in potential areas of service. (p. 21)
11. The Director of Correctional Services should also work with the Superintendent of Her Majesty's Penitentiary, to evaluate and strengthen existing programs in that institution and its satellite camp. He should initiate with the assistance of the Superintendent and his staff a detailed analysis of inmate population, future program needs and the planning for the replacement of the existing penitentiary and the development of any other facilities that are considered necessary. (p. 22)

Probation Services — Adult and Juvenile

12. The initial priority should be the development of adult probation services provided by staff of the Division of Correctional Services, in every Magistrate's Court in Newfoundland. (p. 22)
13. Probation officers, selected for these responsibilities, should be expected to take in-service training and avail themselves of special training seminars in the community. Job descriptions should be clear and salaries should be at the $10,000 level in order to attract and retain staff of high quality. (p. 23)

14. Prior to the beginning of their field responsibilities, these adult probation officers should be oriented and specially prepared to integrate their services with those of the criminal justice system (police — courts, legal aid, prisons and parole). (p. 23)

15. Adult probation officers should have no other responsibilities aside from the provision to the courts of pre-sentence information for court decision-making, the provision of supervision, guidance and counselling to adults placed on probation, and the development of and liaison with community resources for the court. (p. 23)

16. Probation, as a court sanction for adults, without supervision, should not be used in the Province of Newfoundland. (p. 23)

17. Church groups in St. John's which in the past have provided valuable service to the courts, in the absence of an official adult probation service, should be encouraged to develop other services to these courts, particularly in the area of special services for chronic drunkenness offenders and counselling services. (p. 23)

18. Probation services for juveniles, within a newly created provincial probation system, should be made available to every court in Newfoundland. (p. 23)

19. Existing Social Welfare Personnel, who are currently assigned to juvenile probation responsibilities should become full-time juvenile Probation Officers, attached to the courts, with exclusive responsibility for court and supervisory services. As Court Officers they should then come under the Division of Corrections. (p. 24)

20. Consideration should be given to combining juvenile and adult services where the volume of work justified such a combination. (p. 24)

Juvenile Justice and Procedures

21. In order to terminate the practice of trying juveniles as if they were adults, in Magistrate's Courts, Family Court Services should be made available on a systematic basis in all areas outside St. John's. (p. 24)

22. Circuit Family Courts should be established to serve geographic areas and they should become part of the Provincial Court System and remain within the Department of Justice. (p. 24)

23. Until such time as proper Juvenile Court procedures apply equally in all Newfoundland Courts, the Committee recommends that Section 10/1 (a) of the Juvenile Act not be invoked except in the most extreme emergencies so as to avoid the jailing of juveniles for up to 3 months in adult prison. (p. 24)

24. That juveniles now held in Her Majesty's Penitentiary be placed in community facilities, where possible and in secure training school facilities when necessary. (p. 25)

25. That juveniles under police investigation be questioned only in the presence of a parent or guardian, where feasible. (p. 25)

26. That the practice of questioning of juveniles by police at schools be prohibited, except in emergencies. (p. 25)

27. That all records of court disposition concerning juvenile offenders be held in the custody of the respective court making such dispositions, only to be revealed on application to and with the consent of the presiding Judge or Magistrate of the Court. (p. 25)

28. No child should be placed in detachment cells or in a local lock-up without the consent of the Magistrate. The local Magistrate should not give consent unless he is satisfied that there are no other methods available to assure Court appearance or to protect the community. (p. 25)

29. If children have to be held in detention, it should be in facilities completely separate from adults and if this is not possible, accommodation approved by the court must be located elsewhere. (p. 25)

30. No child should be held in lock-up after disposition by the Court for more than 24 hours without approval of the Court. (p. 25)

Special Training School Facility

31. That the need exists for a training school facility with greater potential for the physical containment of juveniles. The type of facility and its location should be carefully considered before any decision is made. The Committee strongly recommends that a facility for this type of juvenile should be located in or near St. John's in order to

avail of adequate medical, psychiatric, psychological, social work and educational services and to ensure the recruitment and retention of the best staff. (p. 25)

Chronic Drunkenness and Corrections

32. A research study should be developed immediately, through the co-operation of the Department of Health and the Alcohol and Drug Addiction Foundation, in order to establish clearly the dimensions and nature of alcohol and drug abuses in Newfoundland. This research should attempt among other thingse to establish the number of chronic drunkenness offenders and the relationship between alcohol, drug abuses and criminal offences. (p. 25)

33. On the basis of current data, there would seem to be justification for the immediate exploration of the need to develop detoxification units at St. John's and at Corner Brook. If they are developed they should be located as part of a General Hospital. (p. 26)

Summary Jurisdiction Act

34. The Summary Jurisdiction Act should be examined by a special committee to make the minor amendments that are required. (p. 26)

Adult Detention and Correctional Institutions

35. The Committee recommends that all adult prisoners sentenced in Newfoundland to a term of imprisonment, except those who are classified as too dangerous and as maximum security risks, should be retained to finish their sentences in Newfoundland. (p. 26)

36. Adult female prisoners should be removed from Her Majesty's Penitentiary immediately and housed in a very small open community hostel setting. Federal female prisoners should be retained in the Province in suitable facilities geared to the needs of the individual. (p. 26)

37. The Committee recommends that offenders in Labrador, insofar as possible, be retained to serve their sentences in Labrador. (p. 26)

38. Custodial staff and matrons, hired by the R.C.M.P. at lock-ups, should become Correctional Officers under the Division of Correctional Services and should be subject to the same standards of selection, training, pay, pension and vacations and other benefits as Correctional Officers in Her Majesty's Penitentiary. Part-time staff, including those responsible for the supervision of drunk tanks, should also receive special training. (p. 26)

39. Lock-up facilities and detachment cells in the Province should be used only for detention awaiting appearance in Court, awaiting trial or for the holding of witnesses already sentenced. (p. 26)

40. Until alternate programs and facilities are provided, the maximum penalty that should be served in existing lock-ups should be 14 days. The maximum penalty that should be served in local detachment cells should be 5 days. (p. 26)

41. The lock-up facilities for female prisoners at Corner Brook and Grand Falls should be modified in order to assure the complete privacy of female prisoners. (p. 27)

42. "Drunk Tanks" should be separated physically from other cells in such a way as to afford continuous custodial supervision and care. (p. 34)

43. The design of R.C.M.P. detachment cells should be revised where it is apparent that the presence of prisoners interferes with the normal living routines and privacy of R.C.M.P. families living at detachments. (p. 27)

44. The Province should develop regional holding units designed to provide for the needs of the particular region as well as meeting common correctional needs. (p. 27)

45. The Committee recommends that the native people in Labrador be encouraged to participate in the planning of their correctional services and programs, that native people should be part of institutional and correctional service staff and that the design of correctional services should be part of the total study of the unique problems of the native offender in that particular area. (p. 27)

46. The Committee recommends that the regional unit in Corner Brook - Stephenville area include a community residential facility in order to explore that aspect of correctional programing. (p. 27)

47. There is an urgent need to replace Her Majesty's Penitentiary by a medium security institution designed to accommodate no more than 120 prisoners initially, but capable of expansion to no more than 200. (p. 27)

48. The new medium security facility should be located in the St. John's area no further than 8 miles from the centre of the city, in order to assure easy access to prisoner's families, to personnel, to professional services and training facilities in the community, as well as to encourage community participation. Acquisition of a site should take place immediately and Red Cliff could be considered as one possibility. (p. 27)

49. Outside professional assistance should be sought immediately to develop an institutional design, which is based on program and space requirements and upon projected institutional population. The emphasis on the design should be on flexibility so as to accommodate changes in future needs. The Committee recommends that the Government of Canada be approached to share a major portion of the costs of building this institution, since it would house many prisoners now managed in Federal Institutions on the Mainland. (p. 28)

50. The open bush camp and farm emphasis at Salmonier should be retained as an important institutional alternative to the proposed medium security facility. The program at Salmonier should be evaluated in detail. It should be revised and strengthened so as to assure the optimum use of that facility. (p. 28)

Parole and Temporary Absence

51. That release by National Parole, as a correctional measure in Newfoundland be strengthened by special efforts to educate the public about the purpose of parole, by regular seminars for police, Magistrates and judges, and by the utilization, where appropriate, of the proposed adult probation services for supervision. That the parole panels of the National Parole Board visit Newfoundland, to provide hearings for all prisoners who have applied for such release. (p. 28)

52. That the present temporary absence program, begun at Her Majesty's Penitentiary, be expanded and strengthened by the development of a decision-making Committee, within the Division of Correctional Services, which would include representation of probation services, parole services, the community, as well as institutional staff. (p. 28)

Police Roles

53. That the police forces in Newfoundland be relieved of duties which could be undertaken by personnel who are less expensive to train and maintain, so that existing police resources might be deployed more efficiently and so that police do not have to carry out functions that detract from the respect that the public has for them. (p. 28)

54. That some consideration be given to the development of a Municipal Tax base, to encourage municipalities to take responsibility for developing police forces of their own to enforce Municipal By-Laws. (p. 28)

Voluntary, Non-Governmental Services

55. That the private, non-governmental agencies and services, in the community, be encouraged to establish new roles in the community, to strengthen public understanding of offenders and correctional programs, to enable more citizens to take direct responsibility in prevention and re-establishment, to develop community demonstration projects as alternatives to institutional committals, and to retain an independent community voice. Government Funding for these services should be reviewed and strengthened where it is clearly indicated that new and relevant services are being developed, but not duplicated. (p. 29)

Provincial/Federal Co-operation

56. That the Department of Justice of the Government of Newfoundland begin discussions with the Ministry of the Solicitor General, Government of Canada, in those areas where mutual interest and responsibility indicate the need for joint planning.

(1) Possible cost sharing of an immediate outside consultation designed to state more specifically the correctional program needs for the Province, before the designing of any new physical facilities.

(2) To assess accurately current methods of managing offenders, including transfer costs of Federal prisoners, and to estimate the costs of alternative ways of managing offenders in the Province, so that proposed changes can be achieved in the most economical fashion.

(3) To consider shared costs for the building of a replacement facility for Her Majesty's Penitentiary.

(4) To seek Federal assistance for a process of assessing, planning and developing community and correctional services that deal with the problem of Native offenders in Labrador.

(5) To consider cost sharing or resource sharing in the vital area of correctional staff training.

(6) To consider methods of assisting the Province to seek consultation in the following specific problem areas:

(a) The formation of a probation service.

(b) The strengthening of existing juvenile institutional programs and the development of community based options for juveniles.

(c) The development of a community based residential centre for adult offenders. (p. 29)

57. The Committee recommends that one year from the submission of this report that a review take place to assess what progress has been made. It offers its services in such a review or in the development of a Review Committee or further consultation with the Government of Newfoundland. (p. 29)

SECTION I

BACKGROUND AND STUDY METHODS

There are many methods of bringing about change in correctional systems. There are a variety of circumstances in which reforms or changes take place. Forces for change do not usually come from any exclusive source. Some change, tragically, comes only after riots, disturbances or public scandal. Constructive changes have as often been initiated by governments as have been stimulated by critics outside government. Often a central source of change is found in correctional administrators themselves and staff responsible for carrying out correctional programs.

In the case of the Newfoundland Study of Correctional Services, the circumstances did not involve any sense of crisis. Rather, the concern and interests of a number of people and organizations converged at one time.

Some community groups, including the John Howard Society of Newfoundland, had long sought a comprehensive study of the Province's correctional system. The Minister of Justice of the Government of Newfoundland, the Honourable T. Alex. Hickman, Q.C., placed a priority on the evaluation and provision of the most functional and effective correctional programs for the Province. Several senior officialsials in the criminal justice system and the then Department of Social Services and Rehabilitation readily identified for him a number of specific areas of concern. These areas became the focus for the current study.[1]

The Newfoundland Study has been facilitated by the ongoing work of the Correctional Consultation Centre of the Ministry of the Solicitor General of Canada, as part of its program to strengthen criminal justice services across Canada.

The Newfoundland Committee has had the advantage of being able to relate to the basic principles already established by the Canadian Committee on Corrections (Ouimet Report) in 1969. These principles were available as guidelines for evaluating correctional services in Newfoundland, for adults at least. As well, it had before it, as potential study models, a number of correctional studies more recently completed in other provinces.[2]

While the Committee welcomed the lack of restriction placed on it by those who set out its frame of reference, it quickly became apparent that it would have to work with very few technical resources, over a very limited time span, and that it would, therefore, not be able to finalize recommendations in some areas set out for study.

The Committee was also aware that negotiations were taking place to strengthen the Legal Aid service of the Province at the time of its study. In addition, other government committees and Commissions were at work in related areas.[3]

The study therefore became, neither a scientific examination of data, nor an attempt to develop a model for corrections in Newfoundland with projected cost analysis of alternatives. Instead, it set out to complete an identification of and preliminary analysis of problems existing in the correctional services and to identify gaps in those services.

With the exception of two independent studies by Masters Students, one on the Boys' Home and Training Schools and one on "The Female Offender in Newfoundland", the Committee relied on input from groups and individuals across the Province as well as the combined knowledge and experience of its members, all of whom at one time had undertaken personal responsibility in some facet of the social welfare and criminal justice systems.

The Committee made a number of important assumptions. First, the Committee felt it was imperative to study and make recommendations from the perspective of the total criminal justice system, not just its "correctional" aspects. It was considered just as important to examine police roles and services as it was to examine probation, prison and parole services. It was equally important to obtain the perspectives of the Magistrates who make the majority of basic decisions about human beings who are subjected to correctional services.

The Committee held the view that it must seriously examine alternatives in the community, which would allow for a decreased use of prison as a method of controlling criminal behaviour. It worked on the conviction that it should make every effort to engage communities across the Province in a discussion of their views on crime and correctional alter-

[1] See appendix for frame of reference.

[2] N.B. (1969), P.E.I., N.W.T. and Sask. all in 1971.

[3] For example, the Royal Commission on Labrador and the Commission to study the Newfoundland Magistracy.

natives to deal with crims. Ideally, these discussions were to include responsible people in the criminal justice system as well as those citizens who inevitably take the lead in assuming community responsibility, but also members of the general public.

The Committee deliberately attempted to initiate a process of modest dialogue, to stimulate critical reflection and, as one writer puts it, to make "citizens aware that their commitments are not only to ideals but to the individuals and groups who make up that citizenry".[4]

Finally, the Committee accepted the reality that, whatever else it accomplished, its goal was to begin a process in Newfoundland which could and should be continued by others whose skills might bring other perspectives to bear on the problems or whose responsibility it may be to carry out its recommendations.

The Committee was able to visit the following communities in the Province:

Corner Brook

Gander

Goose Bay

Grand Bank

Grand Falls

Happy Valley

Marystown

North West River

St. George's

St. John's

Stephenville

Windsor

These visits allowed the Committee to seek the views of interested citizens, social welfare workers and officials, police, Magistrates, community organizations, ex-offenders, clergymen, teachers, guidance counsellors, youth workers and municipal officials. Public as well as private discussions took place.

The Committee invited official submissions and written materials were received from the following organizations and individuals:

Mr. John Fagan, Superintendent, Her Majesty's Penitentiary, St. John's

Magistrate Cyril J. Goodyear, Gander

Mr. F. G. Mercer, Resident Representative, Department of Labrador Affairs

Dr. W. A. Paddon M.D., P.D.H., International Grenfell Association

Dr. Robert L. Stebbins, Memorial University of Newfoundland

Mayor Walter B. Tucker, Grand Falls

Miss Edna Turpin, School Counsellor, Churchill Falls

Magistrate Jack A. White, Stephenville

The Alcohol and Drug Foundation, Corner Brook, Newfoundland

" Alcohol and Drug Foundation, St. John's, Newfoundland

" John Howard Society of Corner Brook, Newfoundland

[4] John Cogley, from "Democracy and Dialogue", Centre Magazine, Centre for the Study of Democratic Institutions, Berkley, California. Volume V II — March and April, 1972.

" John Howard Society of St. John's, Newfoundland

" Salvation Army, Correctional Services Division

Atlantic Provinces Corrections Association

"Project Share", Opportunities for Youth Project Representatives.

Research Study Reports

"The Female Offender in Newfoundland" — Mrs. Stella Bradley
Centre of Criminology
University of Ottawa

"Profile of Boys Committed to Training Schools in Newfoundland" — Mr. David Jeans
Faculty of Education
Memorial University
of Newfoundland

Consultant's Paper

Mr. H. W. Watson — Director Springhill Institution
Canadian Penitentiary Service.

The Members of the Committee visited local lock-ups and detachment cells, the training school facilities for boys and girls as well as adult prisons. This provided some opportunity to seek the views of people held in these facilities and of the staff responsible for their care and custody.

Several organizations elaborated on written submissions in discussions with the Committee. The Committee had useful discussions with the following people, some on several occasions:

The Honourable T. Alex. Hickman, Minister of Justice for the Government of Newfoundland

Mr. Vincent P. McCarthy, Deputy Minister of Justice.

The Honourable A. J. Murphy, Minister of Social Services

Mr. H. V. Hollett, Deputy Minister of Social Services

The Honourable J. Rousseau, Minister of Rehabilitation and Recreation

Mr. R. L. Andrews, Deputy Minister of Rehabilitation and Recreation

Mr. George Pope, Assistant Deputy Minister, Social Services

Mr. R. S. King, Assistant Deputy Minister, Rehabilitation and Recreation

Mr. Frank Simms, Director of Child Welfare and Corrections

Mr. E. Roy Rowsell, Director of Rehabilitation

Mr. John Fagan, Superintendent, H.M. Penitentiary

Mr. Malcolm Squires, Assistant Superintendent, H.M. Penitentiary

Superintendent A. Hawrys, Officer in Charge, Criminal Investigation Branch, R.C.M.P.

Inspector R. Williams, Officer in Charge, Corner Brook City Detachment, R.C.M.P.

Mr. J. F. Lawlor, Chief of Police, Newfoundland Constabulary

Mr. John Norman, Assistant Chief of Police, Newfoundland Constabulary

Mr. J. R. Browne, Deputy Assistant Chief of Police, Newfoundland Constabulary

Dr. Clarence Pottle, Director of Mental Health Services

Dr. Frazier Walsh, Superintendent, Hospital for Mental and Nervous Diseases

Judge P. Lloyd Soper, District Court, Corner Brook

Magistrate Lloyd Wicks, President, Newfoundland Magistrates' Association

Magistrate Gordon Seabright, Goose Bay

Magistrate A. E. Cramm, Corner Brook

Magistrate I. Davis, Corner Brook

Magistrate A. G. Anstey, Grand Bank

Magistrate W. A. Oldford, Grand Falls

Magistrate Cyril Goodyear, Gander

Magistrate C. Stone, Gander

Magistrate Jack A. White, Stephenville

Magistrate James D. Smith, St. Georges

Mr. Keith C. Dick, Supervisor, Institutional Schools, Department of Education

Parole Officers, Ryan and Reid, National Parole Service

Representatives of Indian Community, North West River

Representatives of Clergy, Goose Bay and Burin Peninsula

Staff of Department of Social Services at Goose Bay, Corner Brook, Grand Falls, Stephenville, Stephenville Crossing, St. John's, Marystown and Grand Bank.

Staff of R.C.M.P. Detachments at Goose Bay, Corner Brook, Grand Falls, Stephenville, St. George's, St. John's, Burin and Grand Bank

Town Council of Windsor

Town Manager, Gander

Mr. E. Shute, St. John's

Mr. W. Little, Superintendent of Girls Home and Training School, St. John's

Mr. L. Power, Superintendent Boys Home and Training School, St. John's

Mr. P. Hamilton, Superintendent Boys Home and Training School, Whitbourne.

The Committee also had the opportunity of discussing a number of specific problems in correctional planning with the Solicitor General of Canada, the Honourable Warren Allmand, the Deputy Solicitor General, Roger Tassé and officials of the R.C.M.P., National Parole Service and the Canadian Penitentiary Service at Ottawa.

The Committee has no tangible way to repay its indebtedness to these individuals and groups, except to express its respect for the level of concern that was demonstrated, the frankness of discussion and the unstinting co-operation of responsible citizens, organizations and department officials.

SECTION II

CRIME IN NEWFOUNDLAND

As is suggested in the Ouimet Report, there is increasing recognition that "law enforcement, judicial and correctional processes all share a common over-riding aim: the protection of society from criminal activity".[5]

In any jurisdiction, including Newfoundland, it is impossible to measure accurately the volume of this criminal activity at any one time. All crime is not reported to police. Reporting often depends on the location of the crime, its type, and the attitudes of victims. Detection of crime varies with level of police enforcement. There is selectivity in the handling and reporting of crimes known to the police. It is, for example, good police policy to use considerable discretion in the handling of juveniles who break the law. A substantial portion of juvenile crime, therefore, never becomes part of official criminal statistics.

With appropriate caution, therefore, criminal offences and other breaches of the law, reported to police authorities in Newfoundland, remain the most reliable indicators of the extent and nature of crime in the Province.

Two major police forces are responsible for law enforcement in the Province. The Newfoundland Constabulary provides police services in the City of St. John's The R.C.M.P. "B" Division is responsible for police services in the remainder of the Province. The R.C.M.P. have staff located at St. John's but police areas immediately outside the city. In some small population centres, municipal police officers enforce local by-laws. The two major sources of criminal statistics are the Newfoundland Constabulary and the R.C.M.P. "B" Division.

From time to time, the public is given the impression, often by the mass media, that there have been serious increases in juvenile crime and certain kinds of adult crime. Ordinarily, these reports are based on individual dramatic incidents. On the other hand, it is also speculated that Newfoundland is relatively free of the incidence and patterns of crime reported elsewhere in Canada, particularly in large urban areas. The data displayed in Figure 1 set out the Criminal Code, or more serious offences, reported in Newfoundland in the years 1962 through to 1970 by police forces responsible for submitting this information to the Dominion Bureau of Statistics.

The data in Figure 1 reflect only the volume of Criminal Code offences reported by type. No account is taken of population increase during the nine years reported on, nor is any attempt made to account for increased or changed opportunity to commit certain types of crime.[6]

These data allow us to observe trends in conventional criminal activity in the Province. They also allow us to look at the volume of crime in relation to its seriousness. The crimes reported on in Figure 1 are only those generally considered as the more serious Criminal Code offences. Within this total group, there are some categories of offences which the public generally regard as more serious than others.

It will be seen that crimes against property make up 61 per cent of all offences reported in 1970. Crimes of violence against persons, including assaults and sexual crimes, make up only 8.8 per cent of all crimes reported. Within that particular group, assaults, rather than the most serious crimes against people, account for 83 per cent of the crimes against persons.

It will also be noted that the volume of certain crimes remains constant over the years. There has been no increase in the most serious crimes against persons. Robbery has also remained constant. The substantially upward change has taken place in assaults, auto thefts, theft and fraud. Similarly, "other Criminal Code offences", largely summary offences, have increased considerably.

In order to compare conventional crime rates in Newfoundland with those of Canada as a whole, the data for 1970, which is the latest year available, are shown in Figure 2. The rates reflect the incidence of reported offences measured against total population age seven and over.

In general, these rates for reported offences in Newfoundland are well below the rates for Canada as a whole. Even with respect to assaults, the rate does not equal the Canadian average. The only offence category above the Canadian

[5] Report of the Canadian Committee on Corrections, Queen's Printer, Ottawa, March 31, 1969 (p. 16).

[6] The introduction of closed containers to ship goods by rail may REDUCE opportunity for crime. Sudden availability of a credit card system may INCREASE the opportunity of fraud.

FIGURE 1

NUMBER OF CRIMINAL CODE OFFENCES REPORTED IN NEWFOUNDLAND FOR THE YEARS 1962-1970

Criminal Code Offences	1962	1963	1964	1965	1966	1967	1968	1969	1970
Capital Murder*	—	1	3	3	—	—	—	—	—
Non-Capital Murder*	—	2	1	2	2	—	4	5	1
Attempted Murder	—	1	—	—	—	—	—	2	3
Manslaughter	—	—	1	1	1	1	1	1	—
Rape	10	10	11	7	13	11	12	9	10
Wounding	11	4	5	4	3	2	3	5	2
Assaults (Not Indecent)	430	441	728	929	1168	1166	1209	1360	1637
Offensive Weapons	53	50	51	63	74	67	87	97	110
Robbery	9	35	11	30	26	15	34	25	45
Breaking and Entering	1619	1904	1987	2075	2003	1816	2011	2451	2508
Theft Motor Vehicles	376	431	385	469	543	479	543	572	938
Theft Over $50.00	798	1021	1024	1030	1112	1041	1411	1643	2066
Theft $50.00 and Under	2298	2418	2971	3302	3636	3764	4935	4888	5328
Have Stolen Goods	96	138	127	143	156	130	157	178	145
Frauds	617	608	774	595	817	869	1461	1129	1565
Other Sexual Offences	177	138	118	135	165	175	162	166	162
Prostitution	1	1	—	2	4	1	—	6	1
Gaming and Betting	6	15	4	10	14	7	8	5	5
Other Criminal Code	1397	1092	2766	3440	4111	4240	5359	5723	6107
TOTAL	7898	8310	10967	12240	13853	13784	17397	18265	20633

*Capital and Non-Capital Murder combined for 1966 - 1970.

SOURCE: Dominion Bureau of Statistics Catalogue, "Crime Statistics" 1962 - 1970.

FIGURE 2

RATE PER 100,000 POPULATION AGE 7 AND OVER OF ACTUAL CRIMINAL CODE OFFENCES REPORTED IN NEWFOUNDLAND AND CANADA AS A WHOLE, 1970

Offence	Canada	Newfoundland
Murder	2.3	0.2
Attempted Murder	1.4	0.7
Manslaughter	0.2	—
Rape	5.8	2.3
Wounding	8.8	0.5
Assaults (Not Indecent)	415.6	382.6
Offensive Weapons	34.6	25.7
Robbery	62.5	10.5
Breaking and Entering	954.9	586.1
Theft Motor Vehicle	337.5	219.2
Theft over $50.00	806.1	482.8
Theft $50.00 and Under	1497.9	1245.2
Have Stolen Goods	64.7	33.9
Frauds	361.5	365.7
Other Sexual Offences	53.4	37.9
Prostitution	10.1	0.2
Gaming and Betting	9.1	1.2
Other Criminal Code Offences**	1324.0	1413.2
Addicting Like Drugs	5.5	—
Marijuana	70.1	8.2
Controlled Drugs	5.4	0.7
L.S.D.	19.9	3.3

*Includes Capital and Non-Capital Murder.

**Except Traffic and Arson.

SOURCE: Dominion Bureau of Statistics Catalogue, "Crime Statistics" 1970, Table IIC, (p. 27).

average is "frauds",[7] and that general grouping of summary convictions under "other Criminal Code offences". Those rates would tend to confirm that the Province has not as yet developed the major crime problems that have affected some urban centres in some other parts of Canada.

It is essential, from the point of view of planning correctional services and alternatives to corrections, to know not only the nature and extent of crime but also to have some estimate of the number of people who are engaged in breaking the law. The exact number of people involved is not known because some people are never detected and apprehended.

Figure 3 presents a much broader picture of all reported crime in the Province in 1970. It includes, not only the Criminal Code referred to previously, but Federal and Provincial statute violations, as well as municipal by-law violations. Persons reported charged, of course, may not necessarily be different persons because one person could be charged on several occasions in the year. Not all crimes reported are cleared by the charging of a person or persons. Some persons may be charged with numerous offences. The data, therefore, can only give an impression of the volume of persons responsible for crimes reported in the year.

What may be important in the data is the relative incidence of juveniles being charged with certain kinds of property offences. There is no way of determining if the data reflect the greater vulnerability of juveniles to detention. In case of breaking and entering, more juveniles were charged than adults. Juveniles were charged with minor thefts in almost equal proportion to adults. This trend, however, is not reflected in the St. John's area where there is a full-time Juvenile Court with probation services.

Data provided up to March 31, 1972 by the R.C.M.P. in Newfoundland confirms the extent of juvenile involvement. In offences against persons, juveniles made up 7 per cent of the persons charged, but they made up 45 per cent of all persons charged for property offences. In drug offences, which began fairly recently in Newfoundland, 6 per cent of those charged were juveniles. Data for the most recent four years ending in March 1972, from R.C.M.P. detachment units, reveal a peak in Criminal Code offences in the 1968-69 fiscal year, a reduction in the following year and a steady rise back in the 1969 level since, except for drug offences, offences against persons and Criminal Code traffic offences.[8]

Crimes reported from different local areas in Newfoundland reveal some variation in the volume of crime reported in a year, in the proportion of juveniles and adults charged for crimes and in the type of offences that tend to be reported more than other offences.[9] Fortunately, the majority of areas in Newfoundland report a very low level of criminal activity. Not surprisingly, the lowest levels are reported from areas whose population centres are very small or where population is sparse, *and* where road travel to and communication with larger centres of population are not easy.

Even in those areas that report low overall crime, some areas have unique patterns of crime. One area reports almost no property crime, but a growing problem of crimes against persons. Another area reports more juveniles being charged for offences against persons than adults. Several areas report that more juveniles than adults are charged for property offences.

The largest concentrations of population report the most crime, but a growing population does not apparently mean a disproportionate amount of crime, unless that growth is accompanied by high unemployment, lack of adequate housing and services. At least in one of the areas, where general crime levels are high, there is a higher ratio of offences against persons when compared to offences against property.

Variations in these patterns require very careful analysis by planners in the criminal justice system, particularly if there are to be more efforts placed on prevention and if there is a desire to take into account the different social characteristics of area populations and the social conditions in which they live.

The patterns of criminal activity among the Native Indian and Eskimo population in Labrador present very special challenges in criminal justice planning. Offences reported for one coastal area, where the population is predominantly

[7] It is our understanding that a large proportion of these "frauds" are probably prosecutions for violations of the Provincial Welfare Regulations.

[8] R.C.M.P. "B" Division Data Analyst (correspondence).

[9] Unpublished "Unit Workload Statistics" R.C.M.P. "B" Division (1968-72).

Eskimo, tend to be committed largely by adults and are concentrated on common assaults, damage to property and breaches of the Alcoholic Liquor Act.

It is difficult to be precise about statistical data from the one large population concentration in Labrador where there is a mixture of white, Native Indians and Eskimos. In that particular area the Native Indians and Eskimos are an obvious minority, perhaps 13 per cent of the population. Preliminary analysis of the involvement of native peoples in crimes in that unique area indicates that a very high proportion of all people charged for offences are either Indian or Eskimo. There is a recent increase in that area in the numbers of charges against adults of native origin.

Breaches of the Alcoholic Liquor Act, common assault and willful damage seem to be the most frequent adult offences, while juveniles are more frequently charged with malicious damage, break and entry and simple thefts.

Figure 4 is an attempt to reflect some aspects of crime in the largest urban area, the City of St. John's, in Newfoundland. The data are for selected offences reported, but not necessarily prosecuted, over the last three years for which data are published. These data do not refer to how many offenders may have been involved in these reported offences or what age the offenders might have been.

FIGURE 3

ALL CRIME OF ANY TYPE REPORTED IN NEWFOUNDLAND AND PERSONS CHARGED ACCORDING TO SEX, ADULT OR JUVENILE, 1970

Offence	Actual Number	Persons Charged			
		Adults		Juvenile	
		Male	Female	Male	Female
Murder	1	1	—	—	—
Attempted Murder	3	1	1	—	—
Manslaughter	—	—	—	—	—
Rape	10	4	—	1	—
Wounding	2	2	—	—	—
Assaults (Not Indecent)	1637	618	49	52	7
Offensive Weapons	110	48	1	12	1
Robbery	45	9	1	1	—
Breaking and Entering	2508	581	7	584	20
Theft — Motor Vehicle	938	164	—	128	—
Theft Over $50.00	2066	184	17	89	20
Theft $50.00 and Under	5328	567	165	556	74
Have Stolen Goods	145	95	4	36	2
Frauds	1565	291	32	21	12
Other Sexual Offences	162	67	—	12	—
Prostitution	1	—	—	—	—
Gaming and Betting	5	1	—	—	—
Other Criminal Code Offences	6107	1094	73	278	13
Addicting-Like Drugs	—	—	—	—	—
Marijuana (Cannabis)	35	28	—	—	—
Controlled Drugs	3	—	—	—	—
L.S.D.	14	7	—	—	—
Federal Statutes	814	392	31	10	—
Provincial Statutes	5261	3861	257	105	17
Municipal By-Laws	181	128	26	—	—

SOURCE: Dominion Bureau of Statistics Catalogue, "Crime Statistics" Table IIK, 1970 (p. 35).

One piece of data, important from the point of view of planning services for alcoholics, is the recording that 1443 charges of drunkenness were prosecuted in the St. John's courts in 1971. It is not clear, however, how many people were charged. There is no evidence either of whether these individuals are occasional, frequent or chronic offenders. Figures over the past 10 years on drunkenness prosecutions remain relatively stable except for an unexplained drop to 877 in 1970.[10]

These same reports indicate that in 1971 charges were laid in Family Court in St. John's against 239 boys and 69 girls, involving 532 offences. Assaults accounted for only 21 of this total group of offences. The remainder were largely property offences, including malicious damage. The only unusual group of offences in that particular year was that of "escaping custody", 113 in all, presumably connected with a rash of runaways from the Boys' and Girls' Homes. There seems, over the years 1969-71, to be a slight increase— in the volume of break and entry and car thefts among juveniles in the St. John's area.

Finally, from the point of view of police handling and discretion, it is important to note that while 308 children were charged in Family Court in St. John's in 1971, 178 children were investigated but no action taken. Whether or not these were different children or what alternate community measures were used is not stated.

[10] See Newfoundland Constabularly Annual Reports 1969-1971.

FIGURE 4

NUMBER OF OFFENCES REPORTED TO NEWFOUNDLAND CONSTABULARY, ST. JOHN'S, SELECTED OFFENCES FOR YEARS 1969 - 1971

	1969	1970	1971
Capital Murder	2*	—	—
Non-Capital Murder	—	—	—
Attempted Murder	1	—	1
Manslaughter	—	—	—
Rape	1	1	3
Wounding	2	1	2
Assaults (not indecent)	185	225	228
Offensive Weapons	12	8	15
Robbery	18	37	28
Breaking and Entering	440	555	550
Theft Motor Vehicle	357	633	530
Theft Over $50.00	775	1221	1096
Theft Under $50.00	1889	2111	2336
Possession of Stolen Goods	20	15	11
Frauds	405	491	435
Other Sexual Offences	24	42	43
Other Criminal Codes	1814	2114	2063
Provincial Statutes Othen Than Traffic	(Not Reported)	1280	1898

*No differentiation between Capital and Non-Capital in the record.
SOURCE: Newfoundland Constabulary Annual Report 1971.

SECTION III

IDENTIFICATION OF PROBLEM AREAS

The basic responsibility undertaken by the Committee was to examine existing correctional services, their relationship to each other, to make judgments about services relative to correctional practices elsewhere and then to develop suggested improvements in those services. Limited time and resources necessitated a process of formal and informal inquiry. This attempt to draw out opinions and experience became a highly subjective and impressionistic process rather than a systematic, objective gathering of facts.

In the process of exploring the experience, ideas and impressions of law enforcement, judicial and correctional personnel, there was no attempt made to debate and decide whether in fact the *only* valid common aim of these services is the "protection of society from criminal activity".[11] The Committee encountered some staff in these services who apparently misunderstand the official roles of people in related services. No doubt, some of them are convinced that they have quite opposite aims, without room for common ground at all. There were some prepared to place the protection of society as a paramount right, to the exclusion of individual rights of the offender. There were a few whose aim was to press for the rights of the offender, without considering the protection of society as a whole.

In making its judgments, therefore, the Committee is aware of its own limitations. It could not assess effectiveness of correctional services, as it was expected to do, because judging effectiveness requires examination of evidence in relation to achieving, or not achieving, agreed upon aims of those services. Such aims and obectives are not explicitly defined in the present correctional system.

The Committee's judgments, therefore, focus on how individuals or organizations appear to carry out their roles and responsibilities and how they might be assisted and better equipped to undertake correctional responsibilities so as to assure the protection af the rights of individual offenders as well as the rights of the community, of which the offender is a part.

The Administrative Organization of Services

Newfoundland police, court and correctional services are not the responsibility of one government department. In fact, the responsibility of this range of important services for people currently lies in three distinct departments of government, all of them having a somewhat different focus. In the case of Newfoundland prisoners sentenced to more than two years, this responsibility is shifted to a fourth administrative body, the Federal Ministry of the Solicitor General.

The courts, the police and adult prisons are the responsibility of the Department of Justice in Newfoundland. The police undertake direct responsibility for local lock-ups and detachment cells. Policing by the R.C.M.P. outside the City of St. John's is arranged by contract for parolees released under its authority and supervised by Welfare Officers of the Department of Social Services.

Following restructing of government in Newfoundland, a basic community service, juvenile probation, is the responsibility of the Department of Social Services, with no apparent direct responsibility to the courts. Alternative services for juveniles, including training schools, which were formerly in the same department as juvenile probation, have now become the responsibility of the Department of Rehabilitation and Recreation, perhaps even further divorced from the court system.

While the Committee found that the staff in these separate services are willing and do attempt to work together, it was left with a clear impression, in many communities, that it is very difficult to develop a truly shared sense of purpose when responsibility is so divided. It was very difficult to see how a continuity of response to individual offenders could be organized, let alone be assured. It was the Committee's impression that police, prisons, welfare staff and training schools tend to work in isolation, to plan in isolation, to be pre-occupied with their individual problems and to protect their individual services so as to assure their share of obviously scarce resources. Certainly, the strong leadership that is essential to assure justice to offenders and protection to communities has not materialized from these arrangements.

[11] Ouimet Report (p. 11).

Police Roles and Community Relationships

The Committee confirmed the very vital role that the police play in Newfoundland community life. Still in the fortunate position of having relatively small communities, the Province can expect its police personnel to become much more than the isolated, neutral, protectors of people and detection of crime. It was the Committee's impression that the policeman, particularly in smaller centres, is often a very active leader and organizer of community activities. He is often able to be a "helper" and listener, with many opportunities for preventive roles. The Committee supports such police efforts to improve police-community relations, which it considers a basic part of good police enforcement. In those areas of the Province where the populations are larger, or where there is less emphasis on mutual community responsibility, the police services will have to select and train its staff to strengthen relationships with the community.

It would appear, generally speaking, that the public are satisfied with the actual police work being performed. Where police have taken time to know the people of the community and to become known by these people, they seem to have public support. Where people perceive the police as too reserved or withdrawn in their attitudes, or where communications are not open, some feelings of suspicion and some negative attitudes to police were in evidence.

The Committee found that a number of current police responsibilities may also influence police - community relations and may also encourage an inefficient use of skilled and well-trained personnel.

The role of the policeman as Crown Prosecutor was consistently criticized, particularly the policeman in uniform. It is difficult to deny the attitudes which may develop in the mind of the accused, when the representative of the community who takes you into custody has also to assume the role of "prosecutor" when he gets you to Court. The danger of being perceived as less than objective or as being over-zealous is very obvious. This is especially so in small communities where one officer may have to carry several roles. Ideally, prosecutions should be the function of qualified lawyers, but it is evident that these legal services are not universally available in the Province. One alternative might be an agreement with Federal Government to provide the services of well selected, senior, non-uniformed R.C.M.P. staff who could undertake this role in smaller centres, with lawyers being used in the larger areas.

Several police roles, particularly in R.C.M.P. detachments, consume a substantial portion of valuable man days, which could be saved by transferring responsibilities to other government services.

A substantial portion of R.C.M.P. time is used in the role of "jailer", a role which is not welcomed by the police. This is a responsibility which would be better undertaken by a Provincial jail service. Some jobs, like enforcing the Dog Act, could become the responsibility of locally appointed citizens. The task of examining and testing potential drivers, takes a good deal of time away from law enforcement responsibilities and should be more logically provided, in the view of the Committee, by a department of government which could provide better training for that task and which could develop other programmes such as driver safety.

The Committee also feels that special training and preparation for police work in two very sensitive areas should be considered by the responsible police authorities. Where there is evidence of an unusual concentration of juvenile offenders, some specially trained police should be allocated to deal with handling of this group, or all police could be given special courses to assist them to understand juveniles. Where police do interact with native Indian and Eskimos, who are particularly vulnerable in the Courts, special preparation of police officers should occur and more efforts should be made to use natives in police auxiliary roles.

Corrections and Welfare

The Province of Newfoundland developed very progressive correctional legislation, "The Corrections Act", in 1953, with special emphasis on the handling of delinquent children. Responsibility for field services to individuals rests with Welfare Officers, who are expected to prepare social histories for the Courts and to provide supervision for children who are in their homes, on probation, in group foster homes, or who are wards of the Director of Child Welfare and Corrections.

The Committee found that, in practice, juveniles often appear in the courts, outside St. John's, without notification to the area welfare officer. Often, court dispositions are made around juveniles without asking for pre-sentence social histories. Sometimes probation is used without any obligation to return to the court when infractions occur. In short, welfare officers, who take probation responsibility often appear isolated from both the courts and police systems.

The Committee heard consistently from welfare officers in the field that under the existing obligations of welfare officers, correctional responsibilities take a third priority, after social assistance and child welfare responsibilities. Con-

cern was expressed that decisions by the Court are weakened when welfare officers must divert their own time away from the people before the Court.

There was a considerable expression of opinion that the management of delinquent children presents very specialized problems to staff and that not sufficient emphasis had been placed on the preparation and continuing education of staff for these tasks. With few exceptions, field workers argued that these correctional tasks should be undertaken within a criminal justice framework.

The Committee saw evidence of confusion among personnel and services about the classifying of children for different kinds of dispositions and alternatives. Sometimes court decisions are taken without gathering background information on children. Sometimes removal of children from the community is recommended by the Court, but not accepted by welfare personnel. The rights of children who are made wards of the Director of Child Welfare are not adequately protected in the absence of a total juvenile court system across Newfoundland. No one seems to be placing a priority on preventive services and on the development of effective community alternatives to institutional facilities.

Some children, therefore, arrive in institutions because their problems have not been adequately assessed or because alternate community facilities have not been developed. The Committee heard some evidence from Welfare officials that they do seek more effective diagnostic facilities and more adequate training school facilities and programs. It may be that the administrative arrangement, made to meet the requirements of cost sharing under the Canada Assistance Plan, serves to divert resources from the critical areas of services to children who are declared delinquent.

Juvenile Offenders

The Committee shares the very strong concern, expressed by staff of Her Majesty's Penitentiary and by police officers, about the numbers of juveniles who have to spend time in detention facilities in which segregation from adults is not always feasible, and about the unusual number of juveniles who are sentenced to Her Majesty's Penitentiary, under the Welfare of Children Act. Some juveniles have unfortunately been held in local lock-ups for very long periods of time. Of the 806 admissions to Her Majesty's Penitentiary in the 1971/72 fiscal year, 82, or over 10 per cent, were juveniles between age 15 and 17.[12] Most of these children were from communities outside St. John's where no separate juvenile court facilities exist, and where probation services are inadequate. This is an increase over the previous four years. Some of these juveniles are there because they have escaped custody from training school. Some are there because of lack of probation facilities in their own communities. Some are there because probation as an alternative is not properly used by the Courts.

It is possible in the province to identify those communities where there is a growing juvenile problem. If these problems are not dealt with in the community, committal to institutions and to prison means, in most situations, a subsequent perpetuation of institutional committals. The Province, in the opinion of the Committee, has a unique opportunity to develop new priorities and new services for a delinquency problem that is still of manageable porportions.

Juveniles in Her Majesty's Penitentiary are recognized by its own staff as being disadvantaged in terms of social and recreational program. Segregation in that institution is always a problem. To place these individuals in other institutions or community programs a whole new planning process must be initiated. The Committee, as well as everyone the Committee talked to, considers this very urgent matter.

Probation as a Correctional Alternative

There was substantial agreement and support for the development of probation services for both juveniles and adults, to be identified as a separate service, as part of the Court system, under the administration of the Department of Justice. Probation, properly staffed and used selectively by the Courts, is an economically sound and effective alternative to placing people in institutions. The Committee supports its views in the recommendations that follow, but stresses the fact that a probation service could be a potential focus around which more citizens could be encouraged to take responsibility for helping and for the development of preventive programs.

Local Lock-Ups

The local lock-ups and detachment cells in the Province are not designed for prison purposes. They have no exercise or program space. Because of a lack of proper segregation for females and juveniles, privacy and isolation are very difficult, if not impossible, when facilities are in full use. In some of these facilities there is no access to fresh air or

[12] See report of the Superintendent of Her Majesty's Penitentiary, March 31, 1972. Department of Justice.

natural light. Prisoners who have health problems, who are drunk or who are mentally ill cannot be properly managed under these circumstances and tend to interfere with the normal prison population.

Data from the R.C.M.P. for the year 1971-72 reflects the importance of these facilities and the degree to which that police force has become responsible for a jail operation.

During that fiscal year 2,770 prisoners, not necessarily different people, were held in custody in lock-ups. Of these prisoners, 121 were held for 280 days awaiting sentence and 647 were held for 3,242 days awaiting escort after sentence. Sentences were actually served in these facilities by 160 prisoners for a total of 868 days.

Lock-up populations in some larger areas were quite high during the fiscal year 1971-72, as indicated by the admission figures below.

Corner Brook City	1,123
Goose Bay	510
Grand Falls	209
Harbour Grace	176

The Committee learned that some lock-ups were so full that a substantial number of warrants were not executed in these areas.

Female Offenders

The Committee was able to benefit by a special study of all female juveniles and adult women committed to training schools or prisons in 1972.[13] Although the volume of female offenders in Newfoundland is relatively small, little systematic information about this group had been gathered previously.

Of all the types of crime reported in the Province in 1970, only 166 female juveniles were charged for offences along with 164 adult women. There is no way of telling how many different individuals this represents.[14]

Over the period 1962-71 there has been a steady increase in juvenile girls appearing before court. In 1962, 32 appeared and in 1971, 86 appeared. There has also been a significant increase in the number admitted to training schools since 1965.

Part of the sample studied included 17 in the Girls Home and 16 who had left the Home in 1972. The majority of girls admitted came from areas other than St. John's, particularly from the West Coast and Labrador. Ninety-five per cent of the sample came from families living on incomes below the poverty level. Their families were usually large and some girls were in training schools, not because of delinquency but because they were neglected by parents.

Only a small minority of females in training schools present any threat to the community. The majority would be better assisted in small residential settings closer to their home communities. In some cases the parents of these girls could be assisted to take greater responsibility for them, if they were treated in their own communities. For others, it is obvious that efforts should be concentrated on helping them to make use of community vocational opportunities. The diversion of some children to community facilities would allow for intensive programing for the very few girls who require a more controlled setting.

The Committee and the special study also focussed on adult females who are in prison. This number fluctuates from year to year, but fortunately the numbers are quite small. In 1970, 27 women were imprisoned at Her Majesty's Penitentiary. In 1972, the sample studied, included 18 women. The majority of these women were committed for property, drug, vagrancy or drunkenness offences. In that year one woman was sentenced for non-capital murder. The majority of imprisoned women spend their sentence in Her Majesty's Penitentiary, although occasionally offenders do serve a sentence at the Federal Prison for Women at Kingston, Ontario. Of the 18 women studied, 6 had juvenile offence histories. Their average age was 27. The majority came from places other than St. John's and a number of them are Indian women.

All personnel responsible for the custody of adult women seem to share the Committee's view that these women, with few exceptions, are not a threat to the community and they should spend their time in custody in a facility removed

13
Mrs. Stella Bradley, "The Female Offender in Nfld." An unpublished study for the Committee in 1973.

14
See section II, Figure 1.

from the Penitentiary. The facility could be a small residence, and parole from this unit could provide a useful link to ultimate freedom. Female offenders who do pose a threat to society could be managed for such periods as are necessary through the closed facility of the Hospital for Mental and Nervous Diseases.

As matters now stand, adult female prisoners do not share the same privileges as male prisoners and their stay in prison is by comparison an experience of greater deprivation and more destructive of human dignity than that experienced by males. With the exception of access to a school teacher and outside visits there is no program that actively engages the very small group in prison at any one time. The average of four women spend approximately seventeen and one half hours each day locked in cells. Overnight they are locked in for 15 hoors consecutively and must use a pail for toilet facilities. They do not have access to makeup, hair curlers or their own clothes. There is little opportunity to improve personal appearance, to work at something constructive or to deal with the problems that bring them to prison. Imprisonment for them means passive idleness, watching T.V., doing some cleaning and staying in cells. Programs recently introduced for men are not available to women because of the necessity for segregation.

The Committee considers it more humane, more constructive, and more economical to move these women into community facilities, so as to allow as much normal interaction with the community as possible.

Her Majesty's Penitentiary

It is not overstating the situation to say that the physical facilities of Her Majesty's Penitentiary are primitive when judged by standards elsewhere. The wonder is that so much has been done with such inadequate equipment and so little money. It is to the credit of the Superintendent and his staff that custodial responsibilities are carried out and the safety of prisoners assured so efficiently. In spite of handicaps, efforts have been made to introduce active programs of recreation, work and school, to involve as many prisoners as possible in other than passive "doing of time".

The original section of the prison was built in 1859,[15] before the advent of sewage and water facilities. Some of the cells are wooden, as are some of the floors. It is necessary in some cell accommodation to carry in water for washing and to use night buckets for toilet facilities. The cost of correcting these deficiencies in such an old structure would seem to be unwise and prohibitive. The risk of fire in this section of the prison is excessive, a condition unacceptable when housing individuals whose behaviour may be unpredictable and volatile. In this same section, cell lighting is poor, ventilation is difficult and the simple comforts of a place to eat, to write, to study or to store personal possessions is very limited.

Facilities added in 1944 and 1945, provided new cell space with proper water and toilet facilities but failed to provide space for correctional programming. Her Majesty's Penitentiary serves several vital purposes — as a short term remand centre for the St. John's Court, as a receiving centre for prisoners who may be transferred elsewhere, and as a secure prison for individuals serving up to two years.[16]

Remand prisoners normally follow a different institutional routine because they have not been sentenced and they should therefore be kept separate. It is very difficult to assure this in the present facility.

When new prisoners arrive they are unclassified. They require a period in segregation until they are physically examined and assessed by prison staff or by outside psychiatric resources and until decisions are made about the most appopriate work, living group, and security for each individual. It is impossible in the present institution to provide segregation for these purposes. There is a shortage of facilities and space for medical and psychiatric examination and for dental services which are necessary in such an institution.

The staff also have similar difficulty providing the segregation that is essential for juveniles, aliens awaiting deportation, homosexuals, or those requiring disciplinary restraint for institutional offences. Juveniles, for example, may be housed in a separate area, but will have contact with other adults because of space shortage or the necessity to move to or through certain area of the institution. Disturbed prisoners cannot be housed so as not to interfere with others.

The prison is also inadequate because it has no facility for communal dining, no chapel and little space for small group discussions. There is also a serious shortage of private interview areas, office space for administrative staff and adequate physical amenities for staff on custodial duty.

[15] Egan, John J., "Early Prison Customs in Newfoundland", R.C.M.P. Quarterly, Vol. 28, No. 1, 1962. "The Development of Rehabilitative Treatment Within Newfoundland's Prison System" speech to John Howard Society of Newfoundland, May 11, 1970.

[16] Prisoners who would in other Provinces serve their sentence in a Federal Penitentiary, can be retained at Her Majesty's Penitentiary, according to Section 14 (5) of the Penitentiary Act, on a discretionary basis.

There is no provision either for a hospital or medical and nursing facilities, where quarantines could take place and where sick prisoners not requiring major surgery could be housed.

While the gymnasium, now under construction, will provide more space for recreational and vocational programming its completion will serve only a short term end. The need to classify, to segregate, to provide individual and small group programs and to separate prisoners into small living and working units require an institution designed to meet those specific needs. Such programs should use community resources to the maximum, including community educational and vocational training services which will require flexible floor space to accommodate different equipment at different times as new training programs are developed. Community interaction with different groups in varying degrees of security would be possible. Lack of space and rigidities in the existing structure preclude such programs.

The need for a new, well designed, relatively small, medium security institution is made even more imperative, if Newfoundland prisoners now sent to the mainland are retained in their home Province closer to their communities and to their families, as the Committee later recommends.

The Committee identifies a number of areas of specific concern in its recommendations: It emphasizes the need to acquire more professional assistance for the existing staff in a number of vital areas.

Nursing services, for example, could be supplied on a part time basis from a local hospital, to administer prescribed drugs, to assist in health examinations and to maintain health records. With such heavy use of prescribed mood modifying drugs (20 per cent of all inmates currently) the Committee feels that medical follow-up services are essential. Not only would health care services be strengthened by the introduction of a nursing service but the health care needs for a new institution could be more accurately assessed.

The Committee is similarly concerned that more effective use be made of visiting psychiatric resources in decision making about the management of prisoners and in the preparation of staff to participate in new treatment roles with prisoners. The extension of staff training opportunities and the leadership of the Superintendent in this matter is very encouraging, as is the response of staff. Strong leadership on the job, and the assistance of a full-time social worker and frequent seminars using outside resources are essential to the appropriate use of newly trained personnel.

Training Schools

Consistent with recent years, the Committee found that in the fiscal year of 1970-71, that 79 children were admitted to Newfoundland training schools, 23 girls and 56 boys. These children came largely from economically deprived and socially disorganized family units. While they have many needs in common, it is possible to identify sub-groupings of these children whose needs may be quite distinct and for whom specific programing should be possible.

The Committee consistently heard the need expressed for unique services for those children who are neglected as opposed to those who are persistently delinquent. The retarded or slow learner was also differentiated from the child with a serious emotional disturbance.

The lack of adequate evaluation of children *before* Court declaration of wardship, was one common complaint. This was related to the lack of services in some areas or to the failure of the Courts to seek ssistance in their decisions. In a similar vein the failure to try community alternatives before accepting wardship, or to place priority on such alternatives as probation was cited.

The Committee itself has strong reservations about the process by which children are committed to training school. There seems to be insufficient protection of the rights of children. The organization of assessment services to assist the Director of Child Welfare and Corrections in his vital decision making about children does not seem to be either consistent or adequate. This places a very hard responsibility on him. The use of Whitbourne as a receiving center for boys, particularly for the unsophisticated younger child, does not seem to be logical. Nor does it appear to provide the maximum opportunity for using community assessment services.

The Committee consistently heard the view expressed that for many children, now being admitted, the traditional emphasis on academically oriented programs is no longer relevant. Boys in particular have demonstrated poor academic achievement so that more emphasis on the development of social skills, prevocational and vocational experiences may be more appropriate. There are opportunities available to obtain assistance with such programing from the Special Education section of the Department of Education. This type of interdepartmental liaison should be vigorously pursued.

The Committee heard of the need for a secure setting which could handle runaway prone youngsters and to absorb juveniles now sent to Penitentiary. It also heard the view that a complex, containing differentiated units, including a separate security unit, should be located in the St. John's area. Such a location could assure the optimum use of educational, psychological, social work, child welfare and psychiatric resources. This is especially necessary for those children who require closed facilities.

On the other hand, there is increasing evidence that the majority of committals are coming from the West Coast of Newfoundland, so that small community oriented residences might be appripriate as alternatives to training schools and as a means of gradually releasing some young people to their home surroundings after periods of institutionalization elsewhere.

A further proposal was to extend the wardship of children to age 18, so that effective control and assistance could be provided to children not ready at age 17 to take full responsibility in the community.

The Committee does not underestimate the challenge presented to the Training Schools staff by children in their care. [17], [18] A major review of classification facilities, staff preparation, program and facilities is essential if the best use is to be made of these units and if the efforts are to be properly co-ordinated. Also there should be a closer link to probation services so essential as a follow-up.

Native Offenders

The Committee makes no claim to a epecial undertaking of the unique problems of the native Indians and Eskimos within the criminal justice system.[19] Its brief contact with Indians and Eskimos in Labrador and with the people who are responsible for services to them has convinced the Committee of the complexity of the problems facing the Government. It is the view of the Committee that no major decision should be taken without a broader participation of native Indians and Eskimos and people responsible for working with them in a series of discussions or a specific study project on their problems.

It is the Committee's view that the number of native Indians and Eskimos charged with breaches of the law is quite disproportionate to their numbers in the local population. The Liquor Laws tend to work against these native people. The offences they commit often link excessive use of alcohol with assault and property damage. Excessive drinking is too frequently connected with serious offences against persons.

In such a situation, it is the Committee's view that policemen and Magistrates who have to represent a "White Man's Law" should be specially selected and prepared to understand the values, culture and attitudes of the native person and his responses to the stresses of his living conditions. There is some evidence that Indians in Labrador do not understand the concepts inherent in "White Man's Law". Eskimos may understand them somewhat better. There is an obvious need to have native people participate in the work of police and the Courts, in order to improve relationships between their people and the white representatives of the criminal justice system.

In the one Indian community visited, the Committee found evidence of very poor housing and inadequate water and sewage services. There was some evidence of a communication gap between Indians and the non-native community including the police force. In all native living areas there are evidently long periods of unemployment, excessive dependency on welfare, and little organized recreational activity.

The Committee has not attempted to analyze the cultural changes which native people seem to be encountering, nor the social and economic forces which appear to lie behind the increased involvement with the criminal justice system. It is essential, in the view of the Committee, that the native people be encouraged to participate in an examination of these problems and in the proposal of more adequate responses and solutions. Native people should not only assist in the development of new and more relevant correctional services in Labrador but they should be hired in staff positions to work with their own people.

17
The Committee is indebted to David Jeans for suggestions made in his preliminary Report on Juveniles Committed to the Boys' Home and Training Schools.

18
The Committee also commends to future planners the "Report of the Newfoundland Training School Study", by W. T. McGrath, completed in January 1971 for the then Department of Social Services and Rehabilitation.

19
Several Canadian studies have confirmed the failure of correctional services of the Federal Government and other Provinces to deal effectively with the problems of people of Native origin.
For a perspective on the law and native people in the Province of Newfoundland see "Submission to the Law Faculty, University of Saskatchewan and the National Law Reform Commission" by Magistrate C. J. GOODYEAR (not dated).

Managing Prisoners in Home Areas and Transfer Costs

The Committee received substantial support in Newfoundland for the principle of managing prisoners in institutions as close as possible to their own homes. Approximately 60 prisoners each year are transferred to Federal institutions on the mainland where they are separated from their families and where they have difficulty maintaining community ties. A substantial portion of the current intake of Her Majesty's Penitentiary is from the West Coast or from Labrador. Labradorians in particular voiced a strong desire to develop correctional services for their own people as close as possible to their own communities. A similar feeling was expressed on the West Coast.

To follow such a policy will entail the development of correctional facilities in new areas. The people who are to decide if such facilities should be developed must carefully consider the heavy costs entailed in the present system for transportation, food and accommodation, for both prisoners and escorts.

Parole

The Committee heard a considerable expression of concern about parole as a method of release. This reaction came from police, the Courts and the community. It also heard evidence of unduly complicated communication procedures around cases supervised by Welfare Officers. On the other hand, it was the Committee's impression that parole could be more widely used if services were available and supervision provided particularly on the West Coast of the Province.

The Committee considers parole to be an essential, progressive correctional measure. In Newfoundland, parole requires better understanding and support from the public, as well as from police and courts. Education of the public, police and court officials should be the responsibility of the existing parole service. It is the Committees opinion that all Newfoundland prisoners should have access to parole hearings before the National Parole Board. If Federal prisoners are to be retained in Newfoiundland, regular visits by the National Parole Board should be a matter of practice.

SECTION IV

RECOMMENDATIONS

(1) ALL JUVENILE AND ADULT CORRECTIONAL SERVICES IN NEWFOUNDLAND SHOULD BE PLACED UNDER ONE ADMINISTRATIVE AUTHORITY — A DIVISION OF CORRECTIONAL SERVICES, WITHIN THE DEPARTMENT OF JUSTICE.

The Committee believes that existing Juvenile Probation Services, Group Homes and Training Schools, as well as Adult Penal Institutions and Lock-up facilities, should come under common direction as soon as possible.

Administrative and Departmental responsibility for juvenile and adult services are now shared by three Departments of Government (The Department of Social Services, the Department of Rehabilitation and Recreation and the Department of Justice). It is the Committee's view that this type of disjointed administrative arrangement makes it virtually impossible to develop basic policy, to plan and co-ordinate services and to set priorities among services.

If the Province is to improve services to delinquent juveniles and adult offenders, the Committee is of the opinion that leadership must be located in one Department of Government.

It is the view of the Committee that very careful consideration should be given to the allocation of resources and that these allocations should change as problems are identified. It is difficult to plan to anticipate change, to allocate resources equitably, and to assure the measurement of outcome of these allocations, if more than one Department of Government is responsible.

The Committee is concerned also that the splitting of administrative responsibility tends to make even more difficult the task of assuring continuity of planning for service to individuals, who may require a variety of community approaches or institutional services, as he or she moves from juvenile to adult status and continues to offend against the law.

The Committee has considered the argument that juveniles should only be provided services by departments of government who deliver service through social welfare personnel, so that the emphasis will be on the individual as a person requiring help and that this help is best provided within the context of his family. Implicit in this arugment is that services organized within the social welfare framework are more humane, more understanding of the development of children and more effective than service which can be mounted within a correctional framework.

The Committee is of the view that the quality of staff, their attitudes, their understanding and their level of concern arise, not from the department of government in which they serve, but from the standards of recruitment and training which are maintained and the performance which is expected within a particular service. Given adequate leadership and training, there is no evidence in the Province or elsewhere that correctional workers are less concerned, less humane and less useful in attempting to strengthen individual, family and community relationships, than welfare workers in other government departments.

The Committee found in its inquiries a good deal of evidence that service for juvenile offenders, as well as adult offenders, in fact take a third priority, after social assistance payments and child welfare services when delivered by general welfare officers in Newfoundland communities. This Newfoundland reality is confirmed in other Canadian provinces where correctional programs have been part of welfare services. The majority of Provinces are considering, or have already moved their delinquency and correctional services out of Public Welfare Departments into Ministries or Departments of Corrections or Justice.

The Committee recommends the Department of Justice as the most appropriate location for a Division of Correctional Services because the Committee places a high priority on assuring that the numbers of children who require correctional services, including institutional care, be kept to an absolute minimum. No child should become the responsibility of the correctional services until all other community alternatives have been tried. When it is clearly established that a child requires the external intervention, which is part of corrections, it is the Committee's view that all services involved in his life should be clearly linked in their objectives and their efforts.

The Committee is of the view that the child welfare services of the Province should be strengthened, particularly programs for seriously disturbed or retarded children and those children who are neglected. Responsibility for strength-

ening these services should rest with the administration of the Department of Social Services. The area of prevention now leaves much to be desired. More co-ordinated effort should take place to avoid handling of children with these problems in community or institutional correctional programs.

Specific programs of a correctional nature should be developed to treat and manage only those children whose behaviour is persistently delinquent, who require a controlled learning experience or who may be a threat to the community. Workers for such programs should be especially prepared to undertake this correctional emphasis and responsibility.

The Community therefore must have more adequate service to assess, classify and screen children according to their needs. It should be made more difficult than it is now to move a child who may be neglected or disturbed into a correctional institution or program.

If an adequate assessment of children clearly indicates a need for external controls and a period under supervision in the community, or in a training school, this decision should be taken by the court and not by the child welfare authority, in order to assure that the rights of the child, who is to lose his or her freedom, are protected.

It is the Committee's view that services organized within the Department of Justice will provide these procedural safeguards. But the Committee recognizes that the safeguarding of rights is useless if the courts cannot then be assured of the most adequate resources for community correctional programs, as a priority form of disposition, and for training school programs, when proven necessary.

The Committee cannot stress too strongly the need to link the services of the police, court and correctional services. While they have different responsibilities, they have common objectives and goals. The level of competence of one service cannot be raised, or lowered, without an effect on the other services. Staff in these services share some common needs for training. The integration of these services is possible if they are related to each other as part of the Department of Justice. Such linkage should provide more opportunity for better communication, understanding and co-operation in the interests of both the community and the offender.

In addition to this, the Committee recognizes the need for staff mobility and advancement in services. The combining of all staff in one division for adult and juvenile services, either in the institution or in the community, would make such advancement and mobility a possibility.

More attention to the legal rights of children, the provision of more adequate resources for correctional services and the closer integration of efforts in the criminal justice system would appear to anticipate the development, within Canada, of juvenile delinquency legislation.

(2) THE DEPARTMENT OF JUSTICE SHOULD IMMEDIATELY SEEK AND APPOINT A DIRECTOR OF CORRECTIONAL SERVICES, WHO WOULD HAVE DECISION MAKING AUTHORITY AND RESPONSIBILITY EQUAL TO THAT OF AN ASSISTANT DEPUTY MINISTER AND HE SHOULD BE THE HEAD OF A DIVISION OF CORRECTIONAL SERVICES.

The Committee would prefer to see the appointment of a Newfoundland born candidate. If such a person can be found working elsewhere in Newfoundland, a secondment for a five year period is recommended. As an alternative, in order to assure competent leadership, a contractual arrangement with an outside agency on a limited time basis might be considered, in order to develop and set in motion a new correctional program.

(3) THE DIRECTOR OF CORRECTIONAL SERVICES SHOULD HAVE ACADEMIC QUALIFICATIONS AND TRAINING IN THE SOCIAL SCIENCES AND SHOULD HAVE A VARIED CORRECTIONAL EXPERIENCE.

The Committee stresses very strongly the need to appoint an individual who has demonstrated leadership capabilities in the correctional field and who is prepared to commit himself for a period of at least five years in the position.

(4) JUVENILE PROBATION SERVICES AND JUVENILE TRAINING SCHOOLS SHOULD BE BROUGHT UNDER THE AUTHORITY OF THE DIRECTOR OF CORRECTIONAL SERVICES WITHIN THE DEPARTMENT OF JUSTICE.

The Committee, in its discussions with the Federal Ministry of the Solicitor General, was encouraged to believe that some changes would be made in the Canada Assistance Plan to remove obstacles which now preclude cost sharing of juvenile services organized in other than a Welfare Department framework.

(5) WITHIN THE DIVISION OF CORRECTIONAL SERVICES AN ADMINISTRATOR OF INSTITUTIONS SHOULD BE APPOINTED TO BE RESPONSIBLE FOR ALL LOCK-UPS AND WHATEVER CUSTODIAL FACILITIES, LONG AND SHORT TERM, ARE REQUIRED BY THE PROVINCE.

The appointment of one individual directly responsible for all custodial facilities would help to assure common standards, philosophy and consistency in treatment.

(6) AN INTER-DEPARTMENTAL CO-ORDINATING BODY SHOULD BE SET UP IMMEDIATELY, UNDER THE CHAIRMANSHIP OF THE DIRECTOR OF CORRECTIONAL SERVICES, IN ORDER TO ASSURE GREATER CO-ORDINATION OF PLANNING FOR FACILITIES, PROGRAMS AND SERVICES TO INDIVIDUALS, WHO AT ANY ONE TIME MAY HAVE TO UTILIZE THE SERVICES OF A VARIETY OF GOVERNMENT DEPARTMENTS.

The co-ordinating body should be made up of senior personnel from the Department of Justice (including police), Social Services, Rehabilitation and Recreation, Education and Health.

Such a body should enable better co-ordination of juvenile and adult correctional services on an interim basis, but it should also bring together personnel from services having a close relationship with individuals under the supervision of correctional services.

(7) THE COMMITTEE ALSO RECOMMENDS THAT THE DIVISION OF CORRECTIONAL SERVICES DEVELOP A COMMUNITY BOARD, SIMILAR TO A BOARD OF A PUBLIC HOSPITAL, TO ADVISE THE DIRECTOR.

Modern correctional practice is attempting to handle more problems in the community. It is essential for a progressive correctional service to have the maximum support of all elements of the community. Citizens appointed to an Advisory Board on a rotation basis could assist in developing policies acceptable to the community, could influence citizen attitudes to new programs, and could facilitate the harnessing of citizen volunteers in correctional programs.

(8) AS SOON AS A DIRECTOR IS APPOINTED AND A DIVISION OF CORRECTIONAL SERVICES SET UP, THE FIRST PRIORITY SHOULD BE TO DEVELOP AN ADULT PROBATION SERVICE, AS A MAJOR ALTERNATIVE TO IMPRISONMENT.

The Province of Newfoundland does not now have an official probation service which would assure that Magistrates' Courts would receive the assistance of a regular pre-sentence information and social assessments in making sentencing decisions, as well as regular supervision and assistance to adults placed on probation as part of sentence.

The practice in some Newfoundland courts of making probation orders without supervision and without a particular obligation to the court, in the view of this Committee, fosters disrespect of the court and the law in the eyes of the offender and the community.

(9) THE DIRECTOR OF CORRECTIONAL SERVICES SHOULD ALSO INITIATE AN IMMEDIATE EXAMINATION OF METHODS OF CLASSIFYING CHILDREN COMMITTED TO THE CARE OF THE DIRECTOR OF CHILD WELFARE AS DELINQUENTS TO IDENTIFY CHILDREN WHO CAN BEST BE SUPERVISED IN SMALL COMMUNITY RESIDENCES OR GROUP HOMES. HE SHOULD EXAMINE PROGRAMS AND STAFFING FOR COMMUNITY HOUSES AS WELL AS APPROPRIATE PROGRAMING AND STAFFING FOR CHILDREN REQUIRING DIFFERENT LEVELS OF INSTITUTIONAL CONTROL IN TRAINING SCHOOLS.

(10 ADULT AND JUVENILE PROBATION SERVICES, ARE NOT SUFFICIENT IN THEMSELVES AS COMMUNITY ALTERNATIVES TO TRAINING SCHOOLS AND PRISONS. THE EXPLORATION OF POTENTIAL COMMUNITY ALTERNATIVES SHOULD TAKE PLACE AS A MAJOR EFFORT ON THE PART OF THE DIVISION OF CORRECTIONAL SERVICES. ON THE BASIS OF DETERMINED PRIORITIES, DEMONSTRATION PROJECTS SHOULD BE ATTEMPTED IN POTENTIAL AREAS OF SERVICE.

The following possibilities should be considered, although exploration should not be limited to them:

Community-Based Residential Centres

Group Boarding Homes

Group Foster Homes

Probation Hostels

Outward Bound activity

Community or Developmental Work Projects

Community Service as a Court Sanction

Extended use of intermittent sentences under supervision

Increased use of Temporary Absence from Prison, using Probation Officers for assessment and supervision.

It is important to emphasize that these projects should be located across the Province, where the population at risk justifies such exploration, not just in the St. John's area. Each project should have built into it evaluative procedures, so that ineffective services can be abandoned.

(11) THE DIRECTOR OF CORRECTIONAL SERVICES SHOULD ALSO WORK WITH THE SUPERINTENDENT OF HER MAJESTY'S PENITENTIARY, TO EVALUATE AND STRENGTHEN EXISTING PROGRAMS IN THAT INSTITUTION AND ITS SATELLITE CAMP. HE SHOULD INITIATE WITH THE ASSISTANCE OF THE SUPERINTENDENT AND HIS STAFF A DETAILED ANALYSIS OF INMATE POPULATION, FUTURE PROGRAM NEEDS AND THE PLANNING FOR THE REPLACEMENT OF THE EXISTING PENITENTIARY AND THE DEVELOPMENT OF ANY OTHER FACILITIES THAT ARE CONSIDERED NECESSARY.

Planning of a new institution is a long term and vital project but immediate program improvement cannot be delayed in the interim.

Specific examination should take place in the following areas of adult prison programming and management.

(a) Staff qualifications for and decision-making methods of the Classification Services and the interaction of those services with prisoners and prison staff.

(b) The provision of medical services and facilities at Her Majesty's Penitentiary as a receiving institution for unclassified prisoners, including the need for proper nursing services and the best utilization of psychiatric consultation and services. In addition, there should be an examination of emergency medical services for Salmonier.

(c) Examination of methods of delegating staff responsibility, preparing and moving warder staff into more program roles and responsibilities, including the development of a relief body of warder staff, which could free existing staff for training purposes. Examination of the physical amenities for staff on duty.

(e) Examination of library services, recreational programs and programs which emphasize the development of social skills and their relationship to community resources and community participation.

(f) The examination of current visiting and correspondence privileges and facilities, in relation to the strengthening of constructive family and community relationships of prisoners while preserving appropriate institutional security. This should include the possibility of community participation in visits to inmates who have no community contacts.

(g) A review of current methods of selecting prisoners for Salmonier, the development of incentive programs as well as night programming in social skills beyond the day work programs so that these facilities will be used at an optimum level.

(12) THE INITIAL PRIORITY SHOULD BE THE DEVELOPMENT OF ADULT PROBATION SERVICES, PROVIDED BY STAFF OF THE DIVISION OF CORRECTIONAL SERVICES, IN EVERY MAGISTRATE'S COURT IN NEWFOUNDLAND.

The provision of staff for these full time services can be phased over a period of three years, but full time adult services should be located, as a matter of priority, in the immediate future at the following locations:

St. John's

Corner Brook

Stephenville

Grand Falls

Harbour Grace

Goose Bay

The Burin Peninsula

(13) PROBATION OFFICERS, SELECTED FOR THESE RESPONSIBILITIES, SHOULD BE EXPECTED TO TAKE IN-SERVICE TRAINING AND AVAIL THEMSELVES OF SPECIAL TRAINING SEMINARS IN THE COMMUNITY. JOB DESCRIPTION SHOULD BE CLEAR AND SALARIES SHOULD BE AT THE $10,000 LEVEL IN ORDER TO ATTRACT AND RETAIN STAFF OF HIGH QUALITY.

(14) PRIOR TO THE BEGINNING OF THEIR FIELD RESPONSIBILITIES, THESE ADULT PROBATION OFFICERS SHOULD BE ORIENTED AND SPECIALLY PREPARED TO INTEGRATE THEIR SERVICES WITH THOSE OF THE CRIMINAL JUSTICE SYSTEM (POLICE-COURTS, LEGAL AID, PRISONS AND PAROLE).

(15) ADULT PROBATION OFFICERS SHOULD HAVE NO OTHER RESPONSIBILITIES ASIDE FROM THE PROVISION TO THE COURTS OF PRE-SENTENCE INFORMATION FOR COURT DECISION-MAKING, THE PROVISION OF SUPERVISION, GUIDANCE AND COUNSELLING TO ADULTS PLACED ON PROBATION, AND THE DEVELOPMENT OF AND LIAISON WITH COMMUNITY RESOURCES FOR THE COURT.

These officers should have flexible working hours. If their workloads and court priorities permit them, they could normally provide parole supervisory services, on contract, on behalf of the Federal Parole Services.

(16) PROBATION, AS A COURT SANCTION FOR ADULTS, WITHOUT SUPERVISION, SHOULD NOT BE USED IN THE PROVINCE OF NEWFOUNDLAND.

It is the view of the Committee that probation services should become visible and respected as a community alternative to imprisonment and that the issuing of a probation disposition, without supervision, is a misuse of this disposition.

(17) CHURCH GROUPS IN ST. JOHN'S WHICH IN THE PAST HAVE PROVIDED VALUABLE SERVICE TO THE COURTS, IN THE ABSENCE OF AN OFFICIAL ADULT PROBATION SERVICE, SHOULD BE ENCOURAGED TO DEVELOP OTHER SERVICES TO THESE COURTS, PARTICULARLY IN THE AREA OF SPECIAL SERVICES FOR CHRONIC DRUNKENNESS OFFENDERS AND COUNSELLING SERVICES.

The Committee appreciates the important role that the Salvation Army and the Roman Catholic Church have played over a good many years, enabling a substantial number of adults to stay in the community on a form of probation rather than go to jail. The Committee feels, however, that official probation services, attached to the Courts should now be organized to replace these voluntary services. The services should now be provided by full-time staff who can assure continuous and more effective supervision and who would be responsible as Court Officers to act if there are breaches or misuse of probation orders.

(18) PROBATION SERVICES FOR JUVENILES, WITHIN A NEWLY CREATED PROVINCIAL PROBATION SYSTEM, SHOULD BE MADE AVAILABLE TO EVERY COURT IN NEWFOUNDLAND.

The committee acknowledges the difficulty of providing juvenile probation services to non-urban and widely spread out geographic areas, but the organization of some services and/or consultation to every court is essential, if institutionalization of children and the perpetuation of delinquent patterns is to be avoided. There is a need to have an official organized delinquency service in most communities which can serve to screen out children from institutionalization as well as to encourage the community to develop other preventive services at even an earlier level of identification.

The Committee commends the former Department of Social Services and Rehabilitation for allocating their welfare officers to juvenile probation duties in a number of key areas in the Province. However, as previously stated, it

was found that probation services for juvenile offenders took a third priority when provided by General Welfare Officers.

The practice in other courts of relying on the voluntary services of private individuals and organizations to maintain a contact with individuals while they are on a probation order, in the Committee's view, does not carry out the intention of probation, which is to retain the offender in the community under some form of control, while he or she is helped to undertake responsibility and to respect the rights of other people in the community.

(19) EXISTING SOCIAL WELFARE PERSONNEL, WHO ARE CURRENTLY ASSIGNED TO JUVENILE PROBATION RESPONSIBILITIES SHOULD BECOME FULL-TIME JUVENILE PROBATION OFFICERS, ATTACHED TO THE COURTS WITH EXCLUSIVE RESPONSIBILITY FOR COURT AND SUPERVISORY SERVICES. AS COURT OFFICERS THEY SHOULD THEN COME UNDER THE DIVISION OF CORRECTIONS.

Juvenile Probation Services presently exist in varying degrees in St. John's, Grand Falls, Corner Brook, Goose Bay, Stephenville and Harbour Main.

The Committee is of the view that full-time staff of two at St. John's should be expanded to at least four and that the Welfare Officers in the other five locations be moved to exclusive probation functions.

(20) CONSIDERATION SHOULD BE GIVEN TO COMBINING JUVENILE AND ADULT SERVICES WHERE THE VOLUME OF WORK JUSTIFIES SUCH A COMBINATION.

In the view of the Committee it is preferable to combine the role of Juvenile and Adult Probation Services than it is to attempt to combine the role of Probation Officer and Child Welfare Officer. A combined Adult and Juvenile Service is logical in some geographical areas and is consistent with the Committee's concern to develop a Correctional Service in which there is the maximum possibility of integration.

(21) IN ORDER TO TERMINATE THE PRACTICE OF TRYING JUVENILES AS IF THEY WERE ADULTS, IN MAGISTRATES' COURTS, FAMILY COURT SERVICES SHOULD BE MADE AVAILABLE ON A SYSTEMATIC BASIS IN ALL AREAS OUTSIDE ST. JOHN'S.

It is the opinion of the Committee that dealing with children before the Court requires a special sensitivity to children and to families, the maximum understanding of children's behaviour, as well as the assurance of a court atmosphere that respects the rights and dignity of children, while reinforcing respect for the law. All Newfoundland courts should have access to Judges who are prepared for these special responsibilities.

(22) CIRCUIT FAMILY COURTS SHOULD BE ESTABLISHED TO SERVE GEOGRAPHIC AREAS AND THEY SHOULD BECOME PART OF THE PROVINCIAL COURT SYSTEM AND REMAIN WITHIN THE DEPARTMENT OF JUSTICE.

The Committee proposes the following areas:

Goose Bay for Labrador

Grand Falls — Gander

Clarenville — Burin — Bonavista

Carbonear — Trinity — Conception

Corner Brook — Humber — St. George's

The Committee, of course, feels that auxiliary services for assessment, counselling and probation should be organized along with these Circuits.

(23) UNTIL SUCH TIME AS PROPER JUVENILE COURT PROCEDURES APPLY EQUALLY IN ALL NEWFOUNDLAND COURTS, THE COMMITTEE RECOMMENDS THAT SECTION 10 1 (a) OF THE JUVENILE ACT NOT BE INVOKED EXCEPT IN THE MOST EXTREME EMERGENCIES SO AS TO AVOID THE JAILING OF JUVENILES FOR UP TO 3 MONTHS IN ADULT PRISON.

(24) THAT JUVENILES NOW HELD IN HER MAJESTY'S PENITENTIARY BE PLACED IN COMMUNITY FACILITIES, WHERE POSSIBLE, AND IN SECURE TRAINING SCHOOL FACILITIES WHEN NECESSARY.

The Committee considers the practice of sentencing juveniles to Her Majesty's Penitentiary unacceptable. The majority of these juveniles are so sentenced because they walk away or escape from Training School Facilities. Immediate consideration should be given to alternate methods of managing such young people, until more adequate Training School or Community oriented programmes and facilities are developed.

(25) THAT JUVENILES UNDER POLICE INVESTIGATION BE QUESTIONED ONLY IN THE PRESENCE OF A PARENT OR GUARDIAN, WHERE FEASIBLE.

(26) THAT THE PRACTICE OF QUESTIONING OF JUVENILES BY POLICE AT SCHOOLS BE PROHIBITED, EXCEPT IN EMERGENCIES.

(27) THAT ALL RECORDS OF COURT DISPOSITION CONCERNING JUVENILE OFFENDERS BE HELD IN THE CUSTODY OF THE RESPECTIVE COURT MAKING SUCH DISPOSITIONS, ONLY TO BE REVEALED ON APPLICATION TO AND WITH THE CONSENT OF THE PRESIDING JUDGE OR MAGISTRATE OF THE COURT.

While the Committee found considerable police sensitivity to their influence on juveniles and the importance to children of their first encounters with police, it is the Committee's judgement that procedures to assure common handling of juveniles and of protecting official records should be instituted.

(28) NO CHILD SHOULD BE PLACED IN DETACHMENT CELLS OR IN A LOCAL LOCK-UP WITHOUT THE CONSENT OF THE MAGISTRATE. THE LOCAL MAGISTRATE SHOULD NOT GIVE CONSENT UNLESS HE IS SATISFIED THAT THERE ARE NO OTHER METHODS AVAILABLE TO ASSURE COURT APPEARANCE OR TO PROTECT THE COMMUNITY.

The Committee has a dual concern, the avoidance of unnecessary jailing of children and the difficulty of providing facilities for juveniles separate from those for adults. We believe our views are shared by all police officers who have to undertake these difficult responsibilities.

(29) IF CHILDREN HAVE TO BE HELD IN DETENTION, IT SHOULD BE IN FACILITIES COMPLETELY SEPARATE FROM ADULTS AND IF THIS IS NOT POSSIBLE, ACCOMMODATION APPROVED BY THE COURT MUST BE LOCATED ELSEWHERE.

(30) NO CHILD SHOULD BE HELD IN LOCK-UP AFTER DISPOSITION BY THE COURT FOR MORE THAN 24 HOURS WITHOUT APPROVAL OF THE COURT.

(31) THAT THE NEED EXISTS FOR A TRAINING SCHOOL FACILITY WITH GREATER POTENTIAL FOR THE PHYSICAL CONTAINMENT OF JUVENILES. THE TYPE OF FACILITY AND ITS LOCATION SHOULD BE CAREFULLY CONSIDERED BEFORE ANY DECISION IS MADE. THE COMMITTEE STRONGLY RECOMMENDS THAT A FACILITY FOR THIS TYPE OF JUVENILE SHOULD BE LOCATED IN OR NEAR ST. JOHN'S IN ORDER TO AVAIL OF ADEQUATE MEDICAL, PSYCHIATRIC, PSYCHOLOGICAL, SOCIAL WORK AND EDUCATIONAL SERVICES AND TO ENSURE THE RECRUITMENT AND RETENTION OF THE BEST STAFF.

Study of this need is tied directly to any assessment of need for adult institutional facilities, since any reduction in escapes from juvenile facilities and charges resulting from such escapes will reduce the intake at adult facilities.

(32) A RESEARCH STUDY SHOULD BE DEVELOPED IMMEDIATELY, THROUGH THE CO-OPERATION OF THE DEPARTMENT OF HEALTH AND THE ALCOHOL AND DRUG ADDITION FOUNDATION, IN ORDER TO ESTABLISH CLEARLY THE DIMENSIONS AND NATURE OF ALCOHOL AND DRUG ABUSE IN NEWFOUNDLAND. THIS RESEARCH SHOULD ATTEMPT AMONG OTHER THINGS TO ESTABLISH THE NUMBER OF CHRONIC DRUNKENNESS OFFENDERS AND THE RELATIONSHIP BETWEEN ALCOHOL, DRUG ABUSE AND CRIMINAL OFFENCES.

The Committee agrees with a number of representations made to it that the programs should be developed in Newfoundland to divert chronic drunkenness offenders from prison, to educate drivers and traffic offenders who abuse al-

cohol and drugs and to provide emergency, remedial and long term protective programs for chronic drunkenness offenders.

The Committee is of the view that new legislation [20] in this area will be of little avail unless community services, such as detoxification, hospital beds, boarding or hostel facilities are provided on a planned basis. Possibly some revenue could be derived from special taxes on spirits sold by the Province.

It is imperative in the Committee's view to establish hard data as a basis for rational planning. These data are not now available.

(33) ON THE BASIS OF CURRENT DATA, THERE WOULD SEEM TO BE JUSTIFICATION FOR THE IMMEDIATE EXPLORATION OF THE NEED TO DEVELOP DETOXIFICATION UNITS AT ST. JOHN'S AND AT CORNER BROOK. IF THEY ARE DEVELOPED THEY SHOULD BE LOCATED AS PART OF A GENERAL HOSPITAL.

If Detoxification Units are established, additional treatment, social and supportive services should be connected with these units, to assure follow-up after the acute phase of treatment. The Alcohol and Drug Addiction Foundation may be the appropriate community group to organize such services.

(34) THE SUMMARY JURISDICTION ACT SHOULD BE EXAMINED BY A SPECIAL COMMITTEE TO MAKE THE MINOR AMENDMENTS THAT ARE REQUIRED.

The Committee received no evidence that this Act presents any problem in practice. Amendments that are required are essentially those that ensure updating. A process similar to that being carried on with the Judicature Act is suggested.

(35) THE COMMITTEE RECOMMENDS THAT ALL ADULT PRISONERS SENTENCED IN NEWFOUNDLAND TO A TERM OF IMPRISONMENT, EXCEPT THOSE WHO ARE CLASSIFIED AS TOO DANGEROUS AND AS MAXIMUM SECURITY RISKS, SHOULD BE RETAINED TO FINISH THEIR SENTENCES IN NEWFOUNDLAND.

(36) ADULT FEMALE PRISONERS SHOULD BE REMOVED FROM HER MAJESTY'S PENITENTIARY IMMEDIATELY AND HOUSED IN A VERY SMALL OPEN COMMUNITY HOSTEL SETTING. FEDERAL FEMALE PRISONERS SHOULD BE RETAINED IN THE PROVINCE IN SUITABLE FACILITIES GEARED TO THE NEEDS OF THE INDIVIDUAL.

(37) THE COMMITTEE RECOMMENDS THAT OFFENDERS IN LABRADOR, INSOFAR AS POSSIBLE, BE RETAINED TO SERVE THEIR SENTENCES IN LABRADOR.

(38) CUSTODIAL STAFF AND MATRONS, HIRED BY THE R.C.M.P. AT LOCK-UPS, SHOULD BECOME CORRECTIONAL OFFICERS UNDER THE DIVISION OF CORRECTIONAL SERVICES AND SHOULD BE SUBJECT TO THE SAME STANDARDS OF SELECTION, TRAINING, PAY, PENSION AND VACATIONS AND OTHER BENEFITS AS CORRECTIONAL OFFICERS IN HER MAJESTY'S PENITENTIARY. PART-TIME STAFF, INCLUDING THOSE RESPONSIBLE FOR THE SUPERVISION OF DRUNK TANKS, SHOULD ALSO RECEIVE SPECIAL TRAINING.

The Committee wishes to emphasize the need to maintain common staff standards in custodial facilities across the Province. In-service training and short regional seminars, conducted by experienced correctional personnel and other outside persons, would facilitate these training objectives.

(39) LOCK-UP FACILITIES AND DETACHMENT CELLS IN THE PROVINCE SHOULD BE USED ONLY FOR DETENTION AWAITING APPEARANCE IN COURT, AWAITING TRIAL OR FOR THE HOLDING OF WITNESSES ALREADY SENTENCED.

(40) UNTIL ALTERNATIVE PROGRAMS AND FACILITIES ARE PROVIDED, THE MAXIMUM PENALTY THAT SHOULD BE SERVED IN EXISTING LOCK-UPS SHOULD BE 14 DAYS. THE MAXIMUM PENALTY THAT SHOULD BE SERVED IN LOCAL DETACHMENT CELLS SHOULD BE 5 DAYS.

[20] See proposed "Act Respecting Persons in an Intoxicated Condition in Public Places".

(41) THE LOCK-UP FACILITIES FOR FEMALE PRISONERS AT CORNER BROOK AND GRAND FALLS SHOULD BE MODIFIED IN ORDER TO ASSURE THE COMPLETE PRIVACY OF FEMALE PRISONERS.

(42) "DRUNK TANKS" SHOULD BE SEPARATED PHYSICALLY FROM OTHER CELLS IN SUCH A WAY AS TO AFFORD CONTINUOUS CUSTODIAL SUPERVISION AND CARE.

(43) THE DESIGN OF R.C.M.P. DETACHMENT CELLS SHOULD BE REVISED WHERE IT IS APPARENT THAT THE PRESENCE OF PRISONERS INTERFERES WITH THE NORMAL LIVING ROUTINES AND PRIVACY OF R.C.M.P. FAMILIES LIVING AT DETACHMENTS.

The Committee, as expressed elsewhere, found that detachment cells and lock-ups have been designed without apparent consideration of a number of important human elements. Prisoners may have to spend many days in crowded conditions, without the opportunity for outside exercise, fresh air, or exposure to natural light. These conditions are recognized as being psychologically destructive by all responsible for maintaining these prisoners in custody. Feeding presents a problem in many lock-up facilities. Privacy of juveniles from adults and males from females is often impossible to assure. Some prisoners have to be exposed to very disturbed or drunken fellow prisoners without the possibility of being segregated. In 27 detachment areas R.C.M.P. families or single staff live within earshot of the prisoners' cells. The Committee feels that these situations can have negative influence on families and on staff morale.

(44) THE PROVINCE SHOULD DEVELOP REGIONAL HOLDING UNITS DESIGNATED TO PROVIDE FOR THE NEEDS OF THE PARTICULAR REGION AS WELL AS MEETING COMMON CORRECTIONAL NEEDS.

These units should be developed at Goose Bay for Labrador, in the Corner Brook - Stephenville area for the West Coast and in the Grand Falls - Gander area for central Newfoundland.

Each unit should be designed to provide secure facilities and to relieve pressures on R.C.M.P. detachment personnel.

Each unit should provide separate facilities for females and for juveniles.

Each unit should provide minimum security facilities which can be used as a base from which to operate temporary absence, day parole programs and to utilize intermittent (live-in and work-out) sentencing to its fullest potential.

The regional holding unit in Labrador at Goose Bay should be designed and programmed for the unique needs of the native offender.

(45) THE COMMITTEE RECOMMENDS THAT THE NATIVE PEOPLE IN LABRADOR BE ENCOURAGED TO PARTICIPATE IN THE PLANNING OF THESE CORRECTIONAL SERVICES AND PROGRAMS, THAT NATIVE PEOPLE SHOULD BE PART OF INSTITUTIONAL AND CORRECTIONAL SERVICE STAFF AND THAT THE DESIGN OF CORRECTIONAL SERVICES SHOULD BE PART OF THE TOTAL STUDY OF THE UNIQUE PROBLEMS OF THE NATIVE OFFENDER IN THAT PARTICULAR AREA.

The Committee recommends that no programs be designed until a thorough study has been completed. The design of any correctional facility should follow a process where needs are examined and solutions sought by the people of the area and the staff who must carry out programs.

(46) THE COMMITTEE RECOMMENDS THAT THE REGIONAL UNIT IN THE CORNER BROOK - STEPHENVILLE AREA INCLUDE A COMMUNITY RESIDENTIAL FACILITY IN ORDER TO EXPLORE THAT ASPECT OF CORRECTIONAL PROGRAMMING.

(47) THERE IS AN URGENT NEED TO REPLACE HER MAJESTY'S PENITENTIARY BY A MEDIUM SECURITY INSTITUTION DESIGNED TO ACCOMMODATE NO MORE THAN 120 PRISONERS INITIALLY, BUT CAPABLE OF EXPANSION TO NO MORE THAN 200.

(48) THE NEW MEDIUM SECURITY FACILITY SHOULD BE LOCATED IN THE ST. JOHN'S AREA NO FURTHER THAN 8 MILES FROM THE CENTRE OF THE CITY, IN ORDER TO ASSURE EASY ACCESS TO PRISONERS' FAMILIES, TO PERSONNEL, TO PROFESSIONAL SERVICES AND TRAINING FACILITIES IN THE COMMUNITY, AS WELL AS TO ENCOURAGE COMMUNITY PARTICIPATION. ACQUISITION OF A SITE SHOULD TAKE PLACE IMMEDIATELY AND RED CLIFF COULD BE CONSIDERED AS ONE POSSIBILITY.

(49) OUTSIDE PROFESSIONAL ASSISTANCE SHOULD BE SOUGHT IMMEDIATELY TO DEVELOP AN INSTITUTIONAL DESIGN, WHICH IS BASED ON PROGRAM AND SPACE REQUIREMENTS AND UPON PROJECTED INSTITUTIONAL POPULATION. THE EMPHASIS ON THE DESIGN SHOULD BE ON FLEXIBILITY SO AS TO ACCOMMODATE CHANGES IN FUTURE NEEDS. THE COMMITTEE RECOMMENDS THAT THE GOVERNMENT OF CANADA BE APPROACHED TO SHARE A MAJOR PORTION OF THE COSTS OF BUILDING THIS INSTITUTION, SINCE IT WOULD HOUSE MANY PRISONERS NOW MANAGED IN FEDERAL INSTITUTIONS ON THE MAINLAND.

(50) THE OPEN BUSH CAMP AND FARM EMPHASIS AT SALMONIER SHOULD BE RETAINED AS AN IMPORTANT INSTITUTIONAL ALTERNATIVE TO THE PROPOSED MEDIUM SECURITY FACILITY. THE PROGRAM AT SALMONIER SHOULD BE EVALUATED IN DETAIL. IT SHOULD BE REVISED AND STRENGTHENED SO AS TO ASSURE THE OPTIMUM USE OF THAT FACILITY.

While the Committee recognizes the urgency of replacing physical facilities, it believes that expenditures made now to assess systematically the needs of the whole system, so that planning can be based on such an analysis, would in the long run save the Province considerable money.

(51) THAT RELEASE BY NATIONAL PAROLE, AS A CORRECTIONAL MEASURE IN NEWFOUNDLAND BE STRENGTHENED BY SPECIAL EFFORTS TO EDUCATE THE PUBLIC ABOUT THE PURPOSE OF PAROLE, BY REGULAR SEMINARS FOR POLICE, MAGISTRATES AND JUDGES AND BY THE UTILIZATION, WHERE APPROPRIATE, OF THE PROPOSED ADULT PROBATION SERVICES FOR SUPERVISION. THAT THE PAROLE PANELS OF THE NATIONAL PAROLE BOARD VISIT NEWFOUNDLAND, TO PROVIDE HEARINGS FOR ALL PRISONERS WHO HAVE APPLIED FOR SUCH RELEASE.

(52) THAT THE PRESENT TEMPORARY ABSENCE PROGRAM, BEGUN AT HER MAJESTY'S PENITENTIARY, BE EXPANDED AND STRENGTHENED BY THE DEVELOPMENT OF A DECISION-MAKING COMMITTEE, WITHIN THE DIVISION OF CORRECTIONAL SERVICES, WHICH WOULD INCLUDE REPRESENTATION OF PROBATION SERVICES, PAROLE SERVICES, THE COMMUNITY, AS WELL AS INSTITUTIONAL STAFF.

The Committee feels that methods of releasing prisoners to serve part of their sentence in the community, by way of temporary absence, by day parole or by full parole are essential to effective correctional programs. Parole decision makers should be as familiar as possible with the local situations, resources and people, and should, therefore, come to Newfoundland as part of their process. Temporary absence programs require greater flexibility to respond quickly to individual situations and opportunity. In the view of the Committee, such decisions should be shared by local staff, including community representatives in a process which ensures flexibility.

(53) THAT THE POLICE FORCES IN NEWFOUNDLAND BE RELIEVED OF DUTIES WHICH COULD BE UNDERTAKEN BY PERSONNEL WHO ARE LESS EXPENSIVE TO TRAIN AND MAINTAIN, SO THAT EXISTING POLICE RESOURCES MIGHT BE DEPLOYED MORE EFFICIENTLY AND SO THAT POLICE DO NOT HAVE TO CARRY OUT FUNCTIONS THAT DETRACT FROM THE RESPECT THAT THE PUBLIC HAS FOR THEM.

(54) THAT SOME CONSIDERATION BE GIVEN TO THE DEVELOPMENT OF A MUNICIPAL TAX BASE, TO ENCOURAGE MUNICIPALITIES TO TAKE RESPONSIBILITY FOR DEVELOPING POLICE FORCES OF THEIR OWN TO ENFORCE MUNICIPAL BY-LAWS.

Increasingly it is being recognized across Canada that police roles are changing. Policemen themselves agree that their primary role "consists of law enforcement, crime prevention and protection of persons and property". But, these roles require greater interaction with the Community, a broader base of association with the Community, and specific efforts to act on Community Advisory Committees or in informal Community groups.[21] The Committee considers it essential that new community roles be encouraged by removing time consuming duties from police which can be carried out by others.

[21] **Solicitor General of Canada, "The Police Functions in Our Changing Society". Consultation Centre, Ministry of the Solicitor General, Ottawa (p. 27).**

(55) **THAT THE PRIVATE, NON-GOVERNMENTAL AGENCIES AND SERVICES, IN THE COMMUNITY, BE ENCOURAGED TO ESTABLISH NEW ROLES IN THE COMMUNITY, TO STRENGTHEN PUBLIC UNDERSTANDING OF OFFENDERS AND CORRECTIONAL PROGRAMS. TO ENABLE MORE CITIZENS TO TAKE DIRECT RESPONSIBILITY IN PREVENTION AND REESTABLISHMENT, TO DEVELOP COMMUNITY DEMONSTRATION PROJECTS AS ALTERNATIVES TO INSTITUTIONAL COMMITTALS, AND TO RETAIN AN INDEPENDENT COMMUNITY VOICE.**

GOVERNMENT FUNDING FOR THESE SERVICES SHOULD BE REVIEWED AND STRENGTHENED WHERE IT IS CLEARLY INDICATED THAT NEW AND RELEVANT SERVICES ARE BEING DEVELOPED, BUT NOT DUPLICATED.

It is more than ever evident that correctional administrators and correctional programs cannot operate without public support and understanding, as well as constructive outside criticism. Voluntary agencies should be encouraged to assist the government in the development of new community-based programs. These may take the form of demonstrating new services for ex-offenders, programs of prevention, the development of volunteers for community or institutional programs and/or specific programs which involve and educate the public at large.

Government assistance should be available to support priority programs, but should be provided in such a way that the ability of non-governmental agencies to seek constructive changes is not compromised.

(56) **THAT THE DEPARTMENT OF JUSTICE OF THE GOVERNMENT OF NEWFOUNDLAND BEGIN DISCUSSIONS WITH THE MINISTRY OF THE SOLICITOR GENERAL, GOVERNMENT OF CANADA, IN THOSE AREAS WHERE MUTUAL INTEREST AND RESPONSIBILITY INDICATE THE NEED FOR JOINT PLANNING.**

(1) POSSIBLE COST SHARING OF AN IMMEDIATE OUTSIDE CONSULTATION DESIGNED TO STATE MORE SPECIFICALLY THE CORRECTIONAL PROGRAM NEEDS FOR THE PROVINCE, BEFORE THE DESIGNING OF ANY NEW PHYSICAL FACILITIES.

(2) TO ASSESS ACCURATELY CURRENT METHODS OF MANAGING OFFENDERS, INCLUDING TRANSFER COSTS OF FEDERAL PRISONERS, AND TO ESTIMATE THE COSTS OF ALTERNATIVE WAYS OF MANAGING OFFENDERS IN THE PROVINCE. SO THAT PROPOSED CHANGES CAN BE ACHIEVED IN THE MOST ECONOMICAL FASHION.

(3) TO CONSIDER SHARED COSTS FOR THE BUILDING OF A REPLACEMENT FACILITY FOR HER MAJESTY'S PENITENTIARY.

(4) TO SEEK FEDERAL ASSISTANCE FOR A PROCESS OF ASSESSING, PLANNING AND DEVELOPING COMMUNITY AND CORRECTIONAL SERVICES THAT DEAL WITH THE PROBLEM OF NATIVE OFFENDERS IN LABRADOR.

(5) TO CONSIDER COST SHARING OR RESOURCE SHARING IN THE VITAL AREA OF CORRECTIONAL STAFF TRAINING.

(6) TO CONSIDER METHODS OF ASSISTING THE PROVINCE TO SEEK CONSULTATION IN THE FOLLOWING SPECIFIC PROBLEM AREAS:

- **(a) THE FORMATION OF A PROBATION SERVICE.**
- **(b) THE STRENGTHENING OF EXISTING JUVENILE INSTITUTIONAL PROGRAMS AND THE DEVELOPMENT OF COMMUNITY BASED OPTIONS FOR JUVENILES.**
- **(c) THE DEVELOPMENT OF A COMMUNITY BASED RESIDENTIAL CENTRE FOR ADULT OFFENDERS.**

(57) **THE COMMITTEE RECOMMENDS THAT ONE YEAR FROM THE SUBMISSION OF THIS REPORT THAT A REVIEW TAKE PLACE TO ASSESS WHAT PROGRESS HAS BEEN MADE. IT OFFERS ITS SERVICES IN SUCH A REVIEW OR IN THE DEVELOPMENT OF A REVIEW COMMITTEE OR FURTHER CONSULTATION WITH THE GOVERNMENT OF NEWFOUNDLAND.**

APPENDIX

PROVINCE OF NEWFOUNDLAND — STUDY OF CORRECTIONAL SERVICES

Purpose of the Study

The purpose of the study is to make a general evaluation and assessment of the present correctional services of the Province covering both adult and juvenile jurisdictions. In the light of such evaluation and assessment it will make recommendations to the Province concerning any improvements, additions or changes to the present service which might be necessary to provide the most functional and effective correctional program for Newfoundland consistent with current community needs, crime prevention, and present day trends in the correctional field.

Scope of the Study

The scope of the study should be general and far reaching enough to allow it to carry out its stated purpose. It should cover all aspects of our present programmes with a view to providing a "correctional blueprint" or plan for Newfoundland.

Such study will include the following areas:

1. **ADULT PROGRAMS**
   - (a) Probation
   - (b) The Female Offender
   - (c) The Alcoholic Offender
   - (d) Young Adults (17 to 21). Institutional care and follow up programs.
   - (e) Parole and After Care. Are present programmes in these areas adequate for Provincial prisoners?
2. **JUVENILE PROGRAMS**
   - (a) After Care and Release, Including Probation (especially in areas outside of St. John's).
   - (b) Court procedures and transfers (Section 47, Welfare of Children Act) in areas where there is no full time Juvenile Court. (The criticism is being made that juveniles over 15 in this Province are being tried as adults in our Provincial Courts).
   - (c) Feasibility of and need for circuit Juvenile Courts.
   - (d) Detention facilities throughout the Province.
3. **ADMINISTRATION**
   - (a) Should our present pattern of administration continue where responsibility for Corrections is divided between Department of Social Services and Rehabilitation and the Department of Justice?
   - (b) Or, should all Correctional Programs be co-ordinated under a Division of Corrections within one Department of Government?
   - (c) Does the present administrative structure provide the optimum degree of utilization and co-ordination of available programmes and resources?
4. **LEGISLATION**
   - (a) Welfare of Children Act (especially as it relates to Juvenile Offenders).
   - (b) Summary Jurisdiction Act. Does this act which mainly deals with the operation of Provincial Courts need any revision in the light of contemporary correctional trends?
   - (c) Prisons Act and Regulations thereunder.
   - (d) Corrections Act and Regulations thereunder.
5. **INSTITUTIONAL PROGRAMS (ADULTS AND JUVENILES)**
   - (a) Physical facilities
   - (b) Staff development and training
   - (c) Personnel requirements
   - (d) Programmes evaluation and research
6. **COMMUNITY BASED PROGRAMS**

   Several Community programs related to Corrections receive annual grants from the Province. Is there any duplication or overlapping in such programs? Can such services be better provided within the framework of present Government Correctional Programs? Is there any need for some co-odinating authority for such community based programs if they are to continue in their present form?